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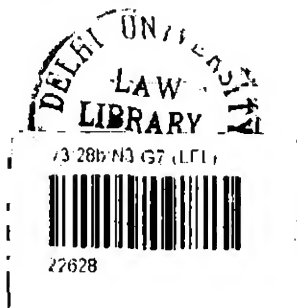
# THE BRITISH CIVIL SERVICE

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To  
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## PREFATORY NOTE

TEN years have passed since the first version of this study appeared. The original essay is out of print, and many things have changed. In response to many demands the study has been brought up to date, almost entirely rewritten, and such additions made that it is about twice its former size. Yet it is published only in order to be of service to students in the rather long interim until my *Principles of Public Administration* is ready. It is not intended as the finished study. It is in this entirely unambitious sense that I hope the essay will be received.

H. F.



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*"The most difficult art is not to choose men, but to give to the men whom one has chosen all the value that it is possible for them to have."*

NAPOLEON.

*"No one has an interest in overturning a government in which all who have any merit are in their right places."*

NAPOLEON.





# THE BRITISH CIVIL SERVICE

## CHAPTER I

### THE SOCIAL SIGNIFICANCE OF THE CIVIL SERVICE

*THE* hand of the statesman, however willing, energetic and able, is frequently checked by the uncontrollable forces of Nature. But since these ultimate limits are surprisingly far apart, and men and material not intractable, society is indebted to government for many substantial benefits. The character of government, as Plato might have remarked of his ideal statesman, is architectonic : it creates (though in a piecemeal and crude fashion) a social plan, and defines and provides sanctions for the relative status of all individuals and groups within its ambit. Broadly, two elements are involved in governmental action : contest and service. No government is exempt from the struggle to secure and maintain its supremacy and render opposition powerless. All governments are obliged to convert men's wills to their support, and to impose their policy, by moral suasion or force, upon those who, for any reason, are unwilling. This is the more political half of government. Within it, the mere politician, the " crafty animal " of Adam Smith, gains petty successes by exploiting the weaknesses of men, but the statesman leads them to enduring triumphs for their good by confidence in their fortitude. Having obtained power, government must proceed to use it : power must serve some further purpose. Here the statesman is no longer so much concerned to organise will, but to conceive and carry out plans likely to secure the happy development of society. This function is

performed by all those, such as philosophers, social scientists and ultimately the statesmen, who create political philosophy and programmes. They define our destination and tell us why and how we ought to travel towards it.

Both these elements of government need deliberate organisation to be effective—to give the greatest return for the least effort and friction. The more complex the society—in its physical and cultural features—the more complex is the organisation. In this complexity there is, naturally, a considerable specialisation of function. And here we come to the particular topic of this essay. However adequately organised the “political” side of government, however wise our political philosophy and high leadership and command, these would be of no effect without a body of officials expert in applying the accumulated supply of power and the general wisdom to particular cases, and permanently and specially employed to do so. “Wise men have always perceived that the execution of political measures is in reality the essence of them.”<sup>1</sup> To this body of officials we apply the name Civil Service, and all eras of civilisation have known such public employees, though their character has varied widely with time and place.

Modern States have particular need of civil servants ; for the latter serve two purposes of cardinal importance. They furnish the expert knowledge without which ministers and parliaments cannot, in any adequate fashion, create and enact policies. And they carry out the commands of the policy-making body. The experience of modern governments shows conclusively that to perform the first of these two functions the members of the representative assemblies have neither the time, the technical ability, the inclination, nor the machinery. They must come to the permanent office-holders for exact scientific, statistically accurate, knowledge of the enormously complicated social life of our gigantic

<sup>1</sup> Sir Henry Taylor, *The Statesman*, p. 89.

ministrant States. Further, a variety of reasons compel parliaments to legislate in general terms and leave the civil servants to draw up rules and orders—to create “secondary legislation,” the great and increasing mass of which gives the Civil Service in modern States a vast power. That power is increasing, for the State has given up its old rôle of acting, in Lassalle’s phrase, as “night-watchman,” as a mere dispenser of justice or maintainer of order in the narrowest sense. To-day the State acts upon the theory that the good of the individual and of society may be discovered by the process of reason, and be established by statutes and public administration. And to the other reasons for a professional Civil Service, we must add the necessity of a body of men and women who will be permanently engaged in the acquisition and exercise of administrative, clerical and other special abilities, in order to implement concretely the policy of the State, that is, actually to confer the benefits and exact the obligations, for which the State stands, in the lives of individuals, associations, and localities. The more fully we develop communal control of life the more power will the civil or communal service secure. Its character and organisation concern us closely and must increasingly command our attention. If its power were constant or even shrinking there would still be ample reason for its exploration. It is growing, and must continue to grow.

### **Bureaucracy**

*In the last century and a half the officials of continental countries have acquired a character which we call “bureaucratic,” and that term is by no means unknown in this country. But in the continental sense, England has no bureaucracy. Perhaps our assumptions are wrong, but when we in England hear the word “bureaucracy” we imagine a vast body of officials, wielding great power, imbued with so definite and*

particular a tradition and view of their calling, that it separates them from, and makes their ways of thought and behaviour strange and alien to the rest of society. We imagine that the bureaucracy is exactly what the word itself implies—government by officials; that these act, as a general rule, upon principles which they alone predominantly create; that they form a special caste or estate. We think that this body attempts when it is old and big enough to be sure of itself, to claim its identity with the State and, avoiding direction by the people, to aim at directing them. We are impressed by the centralised, Napoleonic tradition and organisation of France, and the strong caste-like bureaucracy of Germany, which, before the war, was responsible to little but its own conscience, and since 1933 has become the special tool of an exclusive and rigorous Nazi regimentation. Nor is it any answer to the charge of bureaucracy to say that the officials keep within the law. The root question is whether the width of discretion, which even a detailed and strictly worded statute leaves necessarily to the official, is exercised by them wisely and liberally, or narrowly-mindedly and despotically.

With the mass of English people the term bureaucracy or bureaucrat is one of comparatively rare reproach. From time to time there are cries of alarm, such as that of the Lord Chief Justice, summed up in his phrase, *The New Despotism*, but though such cries have a healthy effect, the inquiries to which they so usefully give birth show that they have little cause. The Civil Service is conceived of as the administrative instrument of a free people. It is dependent on and controlled by Parliament. No one, when indeed a thought is spared for this element in the State, really doubts that the Civil Service is anything other than the servant of Parliament; and what is perhaps much more important, civil servants themselves firmly believe this, and commonly act upon this belief, even when

impatient social reformers criticise them for excessive caution and subservience.

Higher civil servants, Members of Parliament (at least, those who predominantly lead the fortunes of the older political parties, and who have a large share in directing the Labour Party), and the controlling minds in university education, come from not greatly different social classes, they have much the same kind of education, and their vague mental pictures of the Public Welfare, their common master, are sufficiently alike to induce and maintain smooth co-operation. There is a substantial uniformity of social, educational, and political character among these classes, though a good deal could be said about their differences. They do not jar upon each other as harshly as the German Civil Service did upon the liberal sections of the German public, Reichstag and the universities before the war ; nor as the French Civil Service does even now upon the Chamber of Deputies.

They mix well together, and they are all essential and fairly harmonious ingredients in a political system in which the calm assurance was long ago implanted that the citizen is the master of the Executive. It should never be forgotten that while in the seventeenth and eighteenth centuries, other lands, like Prussia and France, were successfully or unsuccessfully grappling with the problem of governing from above through a body of officials, England was concerned single-mindedly and urgently with establishing the sovereignty on a popular basis of Parliament. That has made all the difference. The makers of our Civil Service and its method of recruitment were convinced democrats, and they surmised that the place of the professional specialist is not to command, but to advise and obey the man with a liberal education. For the last one hundred years there has never been any room in England for the growth of a Service with its professional discipline and loyalty directed away from the democratic system.

And before that the Civil Service was not the exclusive tool of a centralised and absolute monarchy, as in Prussia, or of an effete Court as in France, but the coin with which the great political parties and families bought support in Parliament and votes at elections.

Here, then, is the chief distinction between the Civil Service of England and the bureaucracies of the Continent, and it partly explains why there exists comparatively little jealousy between Parliament and the Departments. This does not mean that there are no differences of outlook between Members of Parliament and officials. Where they meet such contrasts leap to the eye. The life of politics and that of administration are, by their very nature, widely divergent intellectual and spiritual disciplines, and it is not always that men bred in the one can appreciate the compulsions intelligible to those bred in the other. Such a difference of mentality is inherent (and for the fullest balance of conscience, mind and senses in social evolution it is even desirable) in the relationship between the representative assembly and the Civil Service. But it does mean that England is fortunate in not having had in her history events like those which, in her continental neighbours, have aggravated this unavoidable difference. Some years ago a former Commissioner of the Civil Service, speaking on the recruitment and training of Civil Servants, said: "Our problem in the highly complex system of modern life—which demands more regulation than is needed in a simpler State, in a more primitive community—is to frame and direct machinery of control for free men jealous of their liberty, and reconcile tolerable order with indispensable liberty."<sup>1</sup>

### Centre and Localities

There is one other difference between the English Civil Service and continental systems. The officials of local government in England have never, in any

<sup>1</sup> *Journal of Public Administration*, Vol. I, No. 4, p. 344.

important measure, been subject to the authority of the central government to the overwhelming extent there customary. Even if the English Civil Service were in the grip of the disease of bureaucracy, the effects of this would be much more narrowly limited than on the Continent. The English Civil Service does not itself ramify all over the country in all the branches of government. For substantial fields of authority are specifically devolved to the local self-governing authorities, and within these spheres the latter are able to appoint and dismiss, direct and pay their officials—though with some important exceptions—as they will. Having defined the scope of power which the local authority may exercise, the central authority has also defined the limits to its own interference. Those officials in England who correspond to the six or seven hundred thousand at work in the local government areas in France under the hierarchical direction of the Prefect and the Ministry of the Interior, or in Germany, directed by the Reich Governors and the *Oberpräsidenten* and the *Bürgermeister*, who are the direct and obsequious agents of the Reich Ministry of the Interior—the public health and sanitary officials, the administrators of poor relief, the teachers in the publicly provided schools, the police, the fire brigades, the clerical, administrative and legal officers, the planners and makers of roads, the clearers of slums and the builders of State-aided housing—all these (and they number nearly one million) are the officials of the localities. If, however, the central authority does not appoint local officers it has extensive and strict powers of control over their activity, and over the discretion of their employers, the local councils. That control is, of course, carried out by the central Civil Service.

The methods whereby the central authority seeks to control the local authorities are these. The grant of powers to the localities takes place specifically by



General or "local" Acts of Parliament. Each of these powers falls within the sphere of positive responsibility of some central Department of State, as, for example, Roads and Electricity Supply and Tramways in the Ministry of Transport, Education in the Board of Education, Police in the Home Office, Gas in the Board of Trade, and most important of all, Health, Poor Relief, and general organisation in the Ministry of Health. It is their business to control on behalf of Parliament, and to promote the activity which statutes have assigned to their special charge. The day-by-day power of control is exercised for Parliament by these Departments in this way.<sup>1</sup> There is a standard of efficiency which it is their duty to maintain, and this they convey to local authorities by orders and regulations (which apply, in detail, the general prescriptions of the statutes), by letters sent when some difficult or doubtful points need decision, and by discussions between their inspectors and the local officials. They necessarily rely in an especial and increasingly important way upon their staffs of expert inspectors, who travel from authority to authority, to explore the extent and quality of the local administration of the laws. This principle of "inspectability" constitutes the vital hinge between the central and local authorities. Where the central authority pays it inspects. The invention of Jeremy Bentham, it was first practically elaborated on a substantial scale by his disciple, Edwin Chadwick, one hundred years ago, in the reformed Poor Law system of 1834. The inspectors report to London, and London demands improvements where necessary. The sanction behind the demand for improvement is mainly financial. In 1835, the central

<sup>1</sup> The extent to which the various Departments exercise a control, in their respective spheres, over the local authorities, varies from one to the other Department. My description is general.

For further particulars on central control, and on the recruitment of local officials, see the present author's *English Local Government*, Methuen, 1933.

authority began a policy of helping the local authorities to meet their growing expenditure. Thenceforward, throughout the century, service was added to service and grant-in-aid to grant-in-aid. By 1935 those grants-in-aid amounted to £110,000,000, equivalent to 33 per cent. of the total annual local government expenditure, including the Trading Services. In matters like education, the police, and many health services, the grant-in-aid is as much as 50 per cent. of the "approved" expenditure. It is a sum no local authority could afford to see withdrawn. In this way the central authority has purchased a right to insist upon the attainment and maintenance of a minimum standard of excellence. The "block grant" of £45 million instituted in 1929 was, by the Local Government Act of that year, made the instrument for controlling *any* of the local authority's public health services—all or any of the grant could be stopped for any shortcoming. Other means of central control are: the power to refuse authority to the localities to raise loans for the extension of their services, of whose desirability the Ministry must be convinced; the legal power to compel or supersede a local authority which fails to carry out its duties (this is practically never used, though sometimes threatened); and the power to refuse sanction of new schemes which the empowering statutes more and more demand shall first be submitted by the local council to the Department concerned, and the very rigorous audit of accounts. The nearest approach to the appointment and dismissal of officials is where the central Department lays down the necessary minimum qualifications and guarantees security of tenure, as in the case of local Medical Officers of Health and Sanitary Inspectors. And the local authorities are even then only compelled to abide by these general standards if they accept the grant-in-aid of the salary: but who, and how, they shall appoint is entirely their own business. As far as

personnel is concerned, therefore, the local authorities are their own masters.

The influence of London, the headquarters of the Civil Service, is, however, very great and grows steadily greater. The urgency of certain services, the peremptory commands of a more sensitive social conscience which calls for a national minimum of social purpose and achievement, the recognition of technical advantages in central control, skilled advice, uniform standards, and comparative analyses of costs of "units" of local government services, the demand for planning, and economical administration, impose vast burdens of advice, research, and stimulation on the Civil Services—on Whitehall, as the saying goes. Practically 80 per cent. of the local authorities' services, judged by expenditure, come under more or less strict central control.

### Growth of the Civil Service

The Departments of State are largely the creation of the last one hundred years, and they have increased in number and personnel particularly since about 1870.<sup>1</sup> This is easily understood. The Industrial Revolution compelled society to equip itself to meet new material obligations on a vast scale. Health, poverty, education, communications, trade, agriculture, colonies, manufactures, now disclosed elements which demanded large-scale regulation and compulsion. The political philosophy of the Utilitarian school and the Tory humanitarians resulted in inquiry into these elements and to the adoption of the necessary measures. At first

<sup>1</sup> Thus the Ministry of Agriculture was established in 1889, the Development Commission, 1909, Board of Education, 1899, the Local Government Board, now the Ministry of Health, 1871, the General Register Office, 1836 and 1874, Ministry of Labour, 1911, Department of Overseas Trade, 1917, Department of Scientific and Industrial Research, in 1919, and the Ministry of Transport, 1919. Every Department has been extended by tasks unimagined by the generation which died in 1900.

only the dead environment—drains, buildings, factories, roads—was to be altered, but it soon began to be seen, most vividly in the sphere of public health, that men were no less important parts of each other's environment. Consequently State activity spread wide and deep. Expenditure grew and the numbers and efficiency of civil servants increased, as the following figures emphasise. (The national figures exclude the *Post Office*; the local include only rates and grants.)

		National Income £ million	Local Income £ million
1842	...	50.2	9.1
1852	...	53.0	10.5
1872	...	65.9	19.7
1891	...	75.3	37.3
1903-4	...	129.1	69.0
1913	...	163.0	94.4
1920	...	1,031.7	219.6
1929	...	676.6	270.6
1933-4	...	737.0	270.1

From 1832 onwards the numbers grew rapidly, and there is never a retrogression worth remark. But the expansion is not at a regular rate; it occurs by sudden spurts which may be correlated with the State's legislative and administrative assumption of new duties, or the expansion of already established services. The figures which follow are from Parliamentary Returns up to 1832, and since then from the censuses for England and Wales. The numbers include all administrative and clerical staffs, messengers, postal officials; they exclude industrial staffs for which there is no data. The different bases of the censuses and the paucity of explanatory comment on the Civil Establishments make it impossible to offer more than the crude figures given. But they show the striking increase, especially since 1881.

Year	Numbers	Remarks
1797 <sup>1</sup>	16,267	
1815 <sup>2</sup>	24,598	} Here began parliamentary demands for "economy."
1821 <sup>3</sup>	27,000	
1841 <sup>4</sup>	16,750	{ "Exclusive of many persons who have returned themselves simply as Clerks, Messengers, etc., and many who are engaged also in trade."
1851 <sup>5</sup>	39,147	
1861	31,943	
1871	53,874	{ Some workmen included, but how many not stated.
1881	50,859	{ Telegraph and Telephone Service not included.
1891	79,241	
1901	116,413	Great expansion in P.O. since 1891.
1911	172,352	{ Telegraph and Telephone Service now included.
1914 <sup>6</sup>	280,900	Includes Scottish and Irish Services.
April 1st 1922 <sup>7</sup>	about 317,721	{ On the decline from the peak of war expansion. Excludes about 20,000 transferred to Ireland; includes Scottish Services.
April 1st 1926 <sup>8</sup>	296,398	
April 1st 1936	350,293	{ Excludes 5,000 more transferred to Irish Expenditure; includes Scottish Services.
		{ And 144,177 industrial staffs.

It is also interesting to compare the main Departments of the contemporary Civil Service with those of the Report of 1853.

<sup>1</sup> and <sup>2</sup>, Gretton, *The King's Government*, p. 111.

<sup>3</sup> and <sup>4</sup>, House of Commons Paper, July 12th, 1833, on Reduction of Offices. This title is significant of Parliament's attitude; but the House of Commons was not then anxious about "bureaucracy"; it was troubled by the increase of expenditure.

<sup>5</sup> Ex *Occupation Abstract*, in *Accounts and Papers*, Session 1844.

<sup>6</sup> From analysis of Census figures, in Appendix to Report on the Re-organisation of the Permanent Civil Service, 1854; Papers, p. 439, Vol. 13, p. 36.

<sup>7</sup> and <sup>8</sup>, Cmd. 2718; 1926. Memo on Present and Pre-war Expenditure.

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	1936		1851	
	Non-Industrial	Industrial	Non-Industrial	Industrial
Post Office ...	205,966	35,162	15,743	32
Inland Revenue ...	23,622	494	6,179	9
Customs ...	14,239	—	11,803	—
Admiralty ...	8,016	51,014	1,126	12,474
War Office ...	10,899	30,607	2,240	1,929
Air Ministry ...	7,381	10,095	—	—
Treasury, etc. ...	2,614	405	309	—
F.O. and Dominions ...	2,500	30	195	—
Home Office ...	11,575	200	84	—
Board of Education	3,382	331	94 <sup>1</sup>	—
Ministry of Health	7,113	—	113 <sup>2</sup>	1
Ministry of Labour	23,956	868	—	—
Unemployment Assistance	6,706	—	—	—
Board of Trade ...	4,268	25	102	1
Ministry of Agriculture	3,138	531	—	—
Ministry of Pensions	3,317	—	—	—

## The Social Importance of the Civil Service

The importance of the Civil Service in the modern State is demonstrable in three ways: by examination of the amount of revenue it administers, by examination of the actual objects of expenditure, and examination of the proportion which the number of officials bears to the total number of the employed population.

The Civil Service administers practically the whole of the national revenue, it collects it, and then converts it into special services to the various special publics of which the British Public is composed. In other words, it is (1936-7) responsible for collecting and utilising about £880 million. Even if we deduct £224 million for the service of the National Debt, and £180 million

<sup>1</sup> The whole Privy Council staff included here.

<sup>2</sup> Poor Law Commissioners and General Board of Health taken together.

for the armed forces, there is still the enormous amount of £440 million involved. Of itself, this figure is only staggering, but not instructive. Its significance is revealed when we realise that it is no less than one-ninth of the entire national annual income. If we included, as we should, a substantial portion of local expenditure met out of rates, but administered subject to central supervision, it comes to nearly one pound in seven of the nation's income. Assuming, what is broadly true, that a substantial ingredient of individual happiness is his material welfare, we may say that society's happiness is dependent, to the extent of one portion in seven upon the efficiency of the Civil Service.

Secondly, examination of the specific objects of public administration shows two things, that the activities of the Civil Service occur at strategic points or points of leverage, and that they are of peculiar social value. The Civil Service is, to a very large degree, concerned with controlling functions. For instance, it does not carry on an industry, like the coal industry, but it controls certain aspects of the management of the industry. It does not make the thousands of articles made in factories and workshops, but the Home Office Inspectors control the conditions under which the articles are made, and under which the workers carry on their work. Hence, the amount of money spent on the Civil Service in these spheres is not a full measure of its impact on our everyday work and lives. Again, including the instances already given, but going far beyond them, is the fact that the Civil Service is concerned with the protection of the lives and health of the poorer part of the population, and of rendering services like Unemployment Insurance and Assistance, Health Insurance, the various Pensions schemes, Education, Public Health and Housing, in which private enterprise is inherently insufficient by reason of the lack of means of the groups of the population for whom they provide. It is not irrelevant to

indicate (and so large is the field pervaded by the Civil Service it can only be a slight indication), the numbers of people actually served in but a few of the departments and public administration.

There are about 800,000 people in the coal industry, whose life and limb depend materially on the vigilance of the inspectors of the Coal Mines Department.<sup>1</sup> Nearly fourteen million come under the operation of the Unemployment Insurance Scheme, and over 700,000 under the Unemployment Assistance Scheme, which took them out of the operation of the local Poor Law system with its stigma of pauperism (however irrational that was), and made it an ordinary incident of the working of the mechanism of capitalistic production and distribution. 18,360,000 men and women receive medical attention under the direction of the Insurance Department of the Ministry of Health. Nearly 2,500,000 widows and aged people are saved from penury by the pension schemes. One million wounded soldiers and their dependents are provided with pensions and given such medical treatment as they still need under the administration of the Ministry of Pensions. There are over 5 million children in the elementary schools and nearly half a million in the secondary, and their syllabuses, buildings, standards of efficiency in teaching and general administration, are under the direction and control of the Board of Education. The 200 separate police forces, employing about 60,000 policemen, detectives and laboratory workers in the municipal and county boroughs, the counties and London, are kept up to a high level of duty by the Home Office. Under the stimulus and supervision of the Ministry of Health a million and a quarter houses have been built since 1919, with State assistance; the slums have shown decreases of 12,000 houses per year, with plans to

<sup>1</sup> Cf. *Report, Chief Inspector of Mines, Gresford Colliery Explosion, 1937.*



increase this figure five-fold. The Ministry of Transport has classified the roads ; seen, since 1929, to the transfer of their administration to larger authorities ; encouraged, and sometimes compelled, the adoption of new ideas in the building of roads, in direction, width, composition and connections ; and in 1936 it took over completely the administration of trunk roads comprising 4,500 miles and it has set itself to reduce the enormous toll (450 deaths and 15,000 injuries per month) by signs, driving tests, the establishment of a code of behaviour of drivers of 1,500,000 private motor cars, nearly one-half million goods vehicles, and half a million motor cycles, besides the rest of vehicular traffic. Under its ægis is also the function of the Traffic Commissioners who regulate competition in road transport and certify the safety of public service vehicles, and the Electricity Commissioners and Central Electricity Board which are steadily creating a planned system of electricity manufacture and distribution out of the hundreds of municipal and private administrative bodies which are too small and unco-operative to do the work economically and as a vital part of the national economy.<sup>1</sup>

The Post Office, with its 200,000 postmen and sorters, handles 6,935 million letters, and 150 million parcels, 1,700 million telephone calls, over 55 million telegrams a year, and supervises the B.B.C.

All this is done by nearly 600,000 officials, civil servants, acting often by firmly and wisely directing the local councils and their officials. The Civil Service constitutes about one in thirty of the gainfully employed population. The Civil Service and the whole body of Local Government employees together, constitute about one in seventeen of the gainfully occupied population.

As this State control grew it became ever more

<sup>1</sup> Cf. *McGowan Report on Distribution and Supply of Electricity*, 1937.

difficult for Members of Parliament and the Cabinet to comprehend and compose the details of their programmes and their laws. They were compelled to turn to the Civil Service for the production of expert information upon which to base their programmes, and for the fulfilment of their statutes by rules made and action taken by the Departments. It took time, but on the whole surprisingly little time, for statesmen to realise and obey the reasons for the employment of a Civil Service. The reasons, we may say at this point, are inherent in certain deficiencies in elective representatives, on the one hand, and in certain qualities possessed by permanent professional Government officials, on the other. The deficiencies of elected representatives are, lack of preparation and skill, and irregularity and intermittency of concern. They are casual labourers. The qualities therefore needed from the permanent staff are specific techniques, permanence of employment to induce continuity of duty and long-run policy, and impartiality, personal and political, in advice to ministers, and services to citizens.

Hence, we are served to-day by an administrative machine which (but only in the last few years) is being converted from a relatively planless improvisation into a well-ordered engine, both powerful and sensitive enough to satisfy modern needs.

"Until relatively recently," says the Head of the Civil Service, "the expression 'Civil Service' did not correspond either to the spirit or to the facts of the organisation so described; there was a series of Departments with conditions of service which in quite important respects differed materially; Departments did not really think of themselves as merely units of a complete and correlated whole; and in the recognition by each Department of the existence of others there was, from time to time, an attitude of superiority, of condescension, of resentment, or even of suspicion . . . the evolution of a service conception in contrast to a Departmental one has of late years progressed some distance. Status, remuneration,

prestige and organisation throughout the Departments have been assimilated. There is an ever-growing team sense in all ranks; it pervades the whole conduct of public business, though it happens that the simplest evidence of it is to be found in the realm of sport owing to the recent introduction of a Sports Council for the Service . . . For the principal posts in the Departments, the field of selection is now the Service, and not the individual Department; and co-operation between the permanent Heads is continuous, understanding and informal." <sup>1</sup>

I will turn to the question of personnel first, for that is the heart of the administration, and will deal with other aspects of the Departments later in this essay.

<sup>1</sup> Tomlin Commission, Minutes of Evidence.

## CHAPTER II

### REFORM AND DEVELOPMENT

#### **From Patronage to Open Competition**

The modern history of the English Civil Service begins with an Order in Council of 1855. Up to that time the offices of State fell into the hands of the ruling political party and were used to bribe and reward their followers. There are two periods of occupation with reform of the Civil Service. The first covers the years 1689-1855, the second commenced in 1855, and is not yet finished. In the first period attention was not directed towards improving the quality of the officials: the quest was less for administrative aptitude than for the political purity of the House of Commons and the electors.

The revolution of 1689 had given Parliament supremacy over the Crown, and to safeguard this sovereignty Parliament determined to exclude from the right to its membership any official holding a place of profit under the Crown. Civil offices were thus a pawn in the struggle between Parliament and the King. The mass of officials were excluded from Parliament, and the later developments of this exclusion have opened up serious problems dealt with further on. Exception was made, of course, and still continues, of the Ministers of State, for they are the link between Parliament and the Administration. Acts of Parliament went even further in the attempt to exclude office-holders from politics. In 1712 Postal officials of higher rank were forbidden to take any part in elections, but the majority of lower officials were still allowed to

vote. In 1782, the very apogee of the corrupt sale and gift of offices, Edmund Burke's campaign for Economical Reform obtained a partial success. The Act of 1782 disfranchised customs, excise and postal officials, who then numbered about one-sixth of the total electorate, and this prohibition was maintained until the year 1868. (Then, the recent Reform Act had so enlarged the electorate as to make the disfranchisement quite unnecessary.) Entry to these offices was still used as a political favour, but, as the great corrupter was the King himself, every wave of the electoral reform movement, challenging "rotten boroughs" and sinecures, was a force against jobbery and nepotism, bound ultimately to win. It is worth pausing a moment to consider Burke's views. He was, perhaps, the first statesman to see the problem of the Civil Service as one of the efficiency of the administrative branch of government. His great speech of February 11th, 1780, was entitled, "On Presenting to the House of Commons a Plan for the better security of the Independence of Parliament and the Economical Reformation of the Civil and other Establishments."<sup>1</sup> He pleaded that uppermost with him "was the reduction of that corrupt influence, which is itself the perennial spring of all prodigality, and of all disorder; which loads us more than millions of debt, which takes away vigour from our arms, wisdom from our counsels, and every shadow of authority and credit from the most venerable parts of our constitution." Most of his speech was concerned with proving to the House how all the Departments suffered from "the grand radical fault: the apparatus is not fitted to the object nor the workmen to the work." At this time there were some 300 officials of various ranks in Whitehall and about 14,000 Customs and Excise jobs and local postmasterships scattered throughout the country.

The memoirs of English statesmen between this time

<sup>1</sup> Burke, *Works*, World's Classics, Vol. II, p. 303, *seq.*

and 1855, show very clearly how little efficiency was regarded in appointments to office.<sup>1</sup> The career was open not to talent, but to family and political influence. The politicians dealt in "reversions" (i.e. "futures") to office, buying and selling them for young children, who when old enough to be inducted into office, often drew the salary but employed some agent at a pittance to do the job. India and the American Colonies were the severest sufferers from these "place-men"; and owing to them the Colonies were lost, and India became the first object of Civil Service reform, and the stimulus to reforming the Home Civil Service.

As in the history of local government, and of most other English institutions of this period, there was a silent massing of the opposed forces of Utility and Patronage. We must not forget in this period the pioneer work of Jeremy Bentham. In his *Official Aptitude Maximized, Expense Minimized* (first published in 1830, but being a series of papers composed between 1810 and the later year), he lays down the general basis for a reform of the corrupt officialdom and rank patronage of his time. In his *Constitutional Code* (Book II, chapter ix, section v. *et seq.*), he constructs in detail a code of official appointment and pay which shows his inventive mind at its best. Readers may well turn their eyes to this fine piece of reasoning, which anticipated more than all of our modern methods of Civil Service recruitment and other conditions, and they cannot fail to admire Bentham's marvellous power of mind, though they may smile at some of the grotesque practical suggestions which follow, cast-iron like, from his philosophy of human nature. He even proposed that oral examinations for civil servants should be conducted in public in order that the

<sup>1</sup> Trevelyan, *Early Life of Charles James Fox*; Lord John Russell, *History of the English Government and Constitution*, 1823; Parker, *Memoirs of Sir Robert Peel*, and *Life and Letters of Sir James Graham*, Vol. I.

examiners themselves might be under the influence of the audience's silent questioning! How far the Civil Service was from the standards in the mind of Bentham and other reformers, we shall see in a moment. But the British form of government did not suffer from the greatest scourge, that which afflicted the United States of America at this time and until recent years, the "rotation of office." That meant the almost complete exodus of all office-holders when, at the end of the four-yearly term, the President was succeeded by one of a different political party. Since English Cabinets came and went irregularly, and at that time, at shorter intervals than more recently, the recognition of the disorganisation which would have been involved limited patronage at least to occasional vacancies and the filling of new jobs. For all that, the evils were shocking.

### The Reform Movement

Reform was undoubtedly caused by the growing pressure of State activity, and the mental stimulus of the Utilitarian philosophy. The latter was already having its effect not only upon every aspect of government, but even upon the old universities which were in the thirties and forties awakened from slothfulness, their endowments for scholarship now being competed for by examination. Indeed, Macaulay, the future reformer of the Civil Service, was a Fellow of Trinity by competition, and the leaders of the reformed universities and public schools were in the van of the movement for a career open to the talents—their sons and pupils would find honourable work and education would be stimulated. It was the age of the Machine and Engineering triumphs, and Progress,<sup>1</sup>

<sup>1</sup> Cf. Bentham, *Fragment on Government* (1776): "The age we live in is a busy age; an age in which knowledge is rapidly advancing towards perfection. . . . Correspondent to discovery and improvement in the material world, is reformation in the moral. . . ."

and the Civil Service was perhaps now in men's minds taking on the aspect of one machine among many, to be renovated according to new needs.<sup>1</sup> *Laissez faire*, Adam Smith's contribution in 1776, to the science of Government, was only a brief exception to the rule of State activity from time immemorial. A span of twenty years, from about 1810 to 1830 at the most, covers its by no means absolute application. Thereafter, minutely informed about the relationship between social causes and social effects by the device of Royal Commissions of Enquiry—the "social microscope" is the name I have given this device—society proceeded quite rapidly to reconstruct itself through the medium of the State.<sup>2</sup> It all implied more regulation, control, and direct services rendered by the agencies of Government.

<sup>1</sup> Cf. Thomas Carlyle's masterly discussion of this, in his essay, dated 1829, in the *Edinburgh Review*. It is called "Signs of the Times," and warns the world against the contemporary belief in machinery, and urges a return to the Spiritual Good. Here are some passages: "Were we required to characterise this age of ours by any single epithet, we should be tempted to call it, not an Heroical, Devotional, Philosophical, or Moral Age, but, above all others, the Mechanical Age. It is the age of Machinery, in every outward and inward sense of that word; the age which, with its whole undivided might, forwards, teaches and practises the great art of adapting means to ends. Not the external and physical alone is now managed by machinery, but the internal and spiritual also. Here too nothing follows its spontaneous course, nothing is left to be accomplished by old, natural methods. Everything has its cunningly devised implements, its pre-established apparatus; it is not done by hand, but by machinery. Thus, we have machines for Education: Lancasterian machines, etc. Nowhere, for example, is the deep, almost exclusive faith we have in Mechanism more visible than in the Politics of this time. Civil government does, by its nature, include much that is mechanical, and must be treated accordingly. We term it, indeed, in ordinary language, the machine of Society, and talk of it as the grand working wheel from which all private machines must derive, or to which they must adapt, their movements. Considered merely as a metaphor, all this is well enough. Thus it is by the mere condition of the machine; by preserving it untouched, or else by reconstructing it, and oiling it anew, that man's salvation as a social being is to be insured and indefinitely promoted. . . ."

<sup>2</sup> Cf. *Theory and Practice of Modern Government*, Vol. I, chap. 2, for a detailed discussion.



Three facts should be remembered of this period. The first is that the reorganisation of the Civil Service was not an isolated reform. It was only one of a number of reforms, quite as far-reaching, which shortly preceded it. We refer to the establishment of factory inspection in 1833, the establishment of educational grants-in-aid in 1833, their increase in 1839, and the simultaneous establishment of a central administrative authority (Committee of the Privy Council) to administer the grants on terms and through inspectors, the creation of the Metropolitan Police in 1829, of the municipal police forces in 1835, and of the county police permissively 1839, and compulsorily in 1856, the setting-up of the central Poor Law Commissioners with very rigorous control of the local Boards of Guardians in 1834, the appointment of local Boards of Health in 1831, the opening of a State statistical department in the Registrar-General's office in 1837, and in 1845 the full inauguration of a grant-in-aid policy consciously based on the principle of securing local efficiency by central administrative intervention. All the arguments invoked by the Government and Parliament for their policy to cope with the new industrial and commercial activities with their various consequences in crowded towns and a more mobile population, applied perfectly to the reform of the central offices themselves. How could you demand efficiency at the extremities without invigorating the muscles of the heart itself? The new race of administrators, like Chadwick, Major Graham (first Registrar-General), Cornwall Lewis, and the men at work in the Education Committee of the Privy Council (the central department of that day) men who had helped to effect these reforms and design the modern administrative outlook, and had for some years past been administering their offices with a system of appointment by merit, welcomed the abolition of patronage and the coming of competitive examination as the means of selecting public servants.

A second fact is that the newly enfranchised middle classes were represented by men like Peel of whom it was said that he was the first English statesman to sit up to his work with "mathematical attention," and Graham and Gladstone, who from infancy pedantically kept a personal account both of allowances and expenditure. These and their friends looked upon public expenditure as a sacrifice which should be frugally and minutely measured against the means available (from taxes) in the way customary in their factories and counting houses. They also believed in free competition, in their commerce which was making England the workshop of the world, and in spiritual and administrative progress. On April 23rd, 1862, Gladstone addressed the association of Lancashire and Cheshire Mechanics Institute thus: "I have said to you, my friends, that the extended use of the instrument of examinations is eminently characteristic of the age in which we live. I would almost venture to say that, amid all the material and all the social changes by which the period has been distinguished, there have been few that are greater or more peculiar than this. . . . These examinations are in a great number of instances competitive; that is, they offer to the candidates one or more specific prizes, the possession of which by particular competitors involves the exclusion of others. This form of examination has great advantages. It raises to a maximum that stimulus which acts insensibly but powerfully upon the minds of students, as it were, from behind; and becomes an auxiliary force augmenting their energies, and helping them, almost without their knowledge, to surmount their difficulties."

The third consideration seems, on the surface, paradoxical. It is that the aristocracy itself, who had for so long monopolised governmental office, were consciously and unconsciously a factor in the improvement of the service they had exploited and corrupted. For the country was so much their property, they had been for

so long so secure in their status, that they had created among themselves standards of honourable service. There must be honesty and efficiency and public spirit in their own home. Their inheritance must not be wasted. *Noblesse oblige*. This tradition passed over to the newly risen middle class, and from the Ministers to their friends and relations, the private secretaries and permanent secretaries and thence gradually and insensibly to the Civil Service which improved and grew under them. As Bagehot once remarked, the aristocracy may not always have been as virtuous as their rank implied, but rank represents an ideal; it is better to worship than money.

### Open Competition

From the old system, England was delivered by the invention of "open competitive examination" as the test of fitness to enter the Service. The germ of this idea was generated in the reform of the English Administration in India, and was carried out in the Charter Act of 1833. A special school, Haileybury, where Malthus had been a master, had been established in 1813, for training those nominated to be Indian Civil Servants, and entrants to this had to undergo a difficult examination. The training was educationally of a high grade, and the discipline strict. But patronage still played a large part in appointments and entry to the school. The Act of 1833 prescribed that, in future, four candidates were to be nominated for each vacancy and the nominees were then to compete in "an examination in such branches of knowledge and by such examiners as the Board (of Control) of the Company shall direct." (Sect. 105.)

In 1853 the Charter of the Company came before Parliament for revision, and Macaulay, brother-in-law of Trevelyan,<sup>1</sup> well versed in Indian affairs and English University conditions, secured the complete abolition of patronage and the acceptance of the principle

<sup>1</sup> Permanent Secretary of the Treasury.

of open competition of all comers. It is important to appreciate the character of Macaulay's suggestion, for it has dominated the English theory and practice of recruitment and promotion until to-day, in the Home as well as the Foreign and Colonial Services. The essences of his argument is to found in this part of his speech to the House of Commons (June 23rd, 1853): "It seems to me that there never was a fact proved by a larger mass of evidence, or a more unvaried experience than this: that men who distinguish themselves in their youth above their contemporaries almost always keep to the end of their lives the start which they have gained." Later in his speech Macaulay cleverly analysed the operation of competitive examinations: "Under a system of competition every man struggles to do his best; and the consequence is that, without any effort on the part of the examiner, the standard keeps itself up. But the moment that you say to the examiner, not 'Shall A or B go to India?' but 'Here is A. Is he fit to go to India?' the question becomes altogether a different one. The examiner's compassion, his good nature, his unwillingness to blast the prospects of a young man, lead him to strain a point in order to let the candidate in if we suppose the dispensers of patronage left merely to the operation of their own minds; but you would have them subjected to solicitations of a sort it would be impossible to resist. The father comes with tears in his eyes; the mother writes the most pathetic and heart-breaking letters. Very firm minds have often been shaken by appeals of that sort. But the system of competition allows nothing of the kind. The parent cannot come to the examiner and say: 'I know very well that the other boy beat my son; but please be good enough to say that my son beat the other boy.'"

In July 1854, Macaulay was called upon by Sir Charles Wood, Chancellor of the Exchequer (a double first at Oxford), to head a committee of distinguished

men (including the Principal of Haileybury College; Benjamin Jowett, then tutor and later Master of Balliol, Oxford; and Sir George Shaw Lefevre, a Senior Wrangler of Trinity, Cambridge, who had had long administrative experience, including a Commissionership at the inception of the Poor Law Commission, the founding of London University, the Board of Trade, the Indian Civil Service Commission, and the Commission of Inquiry into the Inns of Court and Legal Education) to report upon the recruitment of the Indian Civil Service. He read his completed draft to his brother-in-law, Trevelyan, one Sunday, and "Trevelyan was much pleased." His scheme of open competition and his list of subjects and marks were accepted in their integrity. In January 1854, some months before this report and reform, Macaulay already remarks that a plan was maturing for the appointment, on a large scale, of public servants at home, that it was to be mentioned in the Queen's Speech, and he has a long talk with Trevelyan on the subject in the same month. (*Macaulay*, Vol. II, p. 374 *et seq.*) Open competition was thus invented and put into practice for India, and it became the pattern for reform of the Civil Service.

Meanwhile an extensive and careful inquiry had been set into operation by a Treasury minute of November 1848. It ran as follows: "The First Lord and the Chancellor of the Exchequer state to the Board (of the Treasury), that they consider it desirable that an inquiry should be instituted *into the present state of the establishment of the Treasury, and into the arrangements and regulations for the distribution and conduct of the business, in order that such changes may be made as may be required to secure the highest practicable degree of efficiency, combined with a careful attention to economy, etc., etc.* . . ." Lord John Russell was then Prime Minister, and Sir Charles Wood the Chancellor of the Exchequer. The inquiry into the various

Departments was directed, and in part conducted, by Sir Charles Trevelyan, who was later joined by Sir Stafford Northcote. They were assisted by one or more members of each Department examined. The reports cover about 450 pages, including the General Report by Northcote and Trevelyan on "The Organisation of the Permanent Civil Service." It is interesting to notice that the term "Civil Service" in reference to the Home Establishments was now used for the first time. The report was issued in November 1853, together with an educational opinion upon it by Benjamin Jowett, collaborator with Macaulay in the Indian Reforms.

It asserted that the Service was overstaffed, through patronage and individual incompetence. Those who sought to enter the Service were not the able and ambitious, but "those whom indolence of temperament or physical infirmities unfit for active positions." The Report spoke of "sickly youths," and absences from ill-health. Commentators referred to such incompetent entrants as "fungus." There was no advancement by merit, but by seniority, and since political patronage filled the posts at the top the younger entrants were for years, perhaps for ever, doomed to the drudgery of mechanical copying. Their incompetence for better work resulting from this cause necessitated appointments from outside to the higher posts. "Civil servants were habitually superseded because they were incompetent and incompetent because they were superseded." Neither hope of advancement nor fear of dismissal spurred them to exertion. Examinations were held in some Departments; but, where they were competitive they might be subject to the "Treasury idiots" system whereby two fools were deliberately entered to fail, leaving the third nominee to get the appointment; or were qualifying only, and usually incompetently or corruptly applied. Finally, the Departments were their own separate appointment authorities.

About forty other distinguished people in public life and education including Edwin Chadwick, Bentham's disciple, then at the Board of Health, were also asked for their comments, which were sent in between January and June 1854, and the whole was placed before Parliament as the "Report and Papers relating to the Re-organisation of the Civil Service." The plan was greeted by John Stuart Mill as "one of the greatest improvements in public affairs ever proposed by a Government," and many others applauded the proposed reforms. But the other commentators made mixed comments. Some, who were heads of Departments, argued that their offices were competently recruited and competently active. No doubt Trevelyan took a more serious view of the defects than was in every case justified; but those who said "Let well alone!" unconsciously admitted that, in so far as *they* were not deserving of the disparaging phrases of the Report, they owed this to having set up at least some qualifications for office, or that in spite of slackness, luck had sent them good men.

The improvements proposed, in essence, consisted of those which Macaulay's Committee on the Selection and Training of Candidates for the Indian Civil Service was at about the same time recommending for India. They were the abolition of patronage, the admission of young people into the Service at prescribed ages, and this by means of open competitive examination. Open competitive examination would attract the best minds of the day, and was the only means devisable of avoiding the evils of patronage. Only by limiting admission to the young could one obtain "the superior docility" which would make training in public tasks and outlook feasible. These young men must then be made to feel that their promotion and future prospects depended entirely on their own industry and ability, and that they were in a position where a secure life career was possible. They would be on probation for some time.

We comment later 'on these principles, which were adopted as the foundation of the British Civil Service.

The Commissioners next recognised that a clear distinction could be drawn between the intellectual and routine work of the Service, and demanded an appropriate division of labour, and two types of examination. This was the beginning of attention to a fundamental problem of Civil Service organisation, which has always given trouble: the Problem of Classification. It may be thus defined: to assign servants to work which is not too difficult nor too easy for them to do, and then to treat all who do equal work, equally, and where there is a difference in the amount and quality of work done, to proportion reward to service. The experience of all countries shows how necessary such classification is, though it is very difficult to establish and to maintain in a growing Service, and practically impossible to satisfy the individual civil servant that he has been rightly placed in any particular category. For he, in company with other human beings, is like the crab, which, according to William James, would very likely be filled with a sense of personal outrage at hearing itself classed as a crustacean, and would say, "I am no such thing. I am Myself, Myself Alone." We shall see later how this broad division into two classes (which even then was not applied in the various Departments) has further branched into a more multifarious classification. This always threatens to become more differentiated, since the more energetic and capable civil servants are potential rebels against the theory of "payment for the grade," and, of course, new times necessitate new tasks and qualifications. Also the actual opportunity of getting into the higher grades depends very largely on one's parents' wealth, or scholarships, and, so, many people would happily see the Civil Service organised as one class only, with many different jobs, and promotion possibilities all the way up.



A further point in these recommendations calls for remark. Thinking mainly of the higher administrative posts, the Commissioners laid down another principle, which still, but with some modifications, holds good in England. The Report was antagonistic to any technical preparation for the examination for such posts, for the Commissioners had their eye upon the classical and mathematical education at Oxford and Cambridge of their day. They searched for "general ability," "intelligence," not merely special acquirements, for "there was no limit to the demands which might ultimately be made on the abilities of this class." They believed that technical preparation might be simply "cramming," and that those most able at this would beat people of superior mind. Further, the time spent in learning technical subjects would be wasted if the candidates were unsuccessful. Hence they recommended the most numerous subjects, to fit in naturally with the regular educational curricula, to obtain varied talent, and really to test proficiency. Macaulay had taught that it was not the subjects learned which assured administrative ability, but proficiency therein, even if it were as remote and peculiar as the Cherokee language. Hence, only a little, if any attention should be paid to the special demands of the official duties.

Nor was this all. As Jowett's letter showed, they were impressed by Macaulay's argument that "men who have been engaged, up to one and two and twenty, in studies which have no immediate connection with the business of any profession, and the effect of which is merely to open, to invigorate, and to enrich the mind, will generally be found, in the business of every profession, superior to men who have, at eighteen or nineteen, devoted themselves to the special studies of their calling. Indeed, early superiority in literature and science generally indicates the existence of some qualities which are securities against vice—industry,

self-denial, a taste for pleasures not sensual, a laudable desire of honourable distinction, a still more laudable desire to obtain the approbation of friends and relations. We, therefore, think that the intellectual test about to be established will be found in practice to be also the best moral test that can be devised." Hence, character, "perseverance and self-discipline," as Jowett said, hardly of less importance than intellect itself in the practice of administration, was presumed to be tested in some measure by the literary competition based on university studies.

The principles here set out still stand as the foundation of the English Civil Service. There have been modifications in the course of the eighty years intervening, owing to the growth of technical studies at the universities, but to a large degree the general foundation of liberal studies remains. To this we revert later.

The Commissioners laid down certain other rules for efficient and convenient recruitment. First, all examinations should be conducted by a single authority standing entirely outside the separate Departments, and assisted, where necessary, by persons experienced in the education of the upper and middle classes. This would secure effectiveness and consistency. Second, examinations should be held at regular intervals and not for special appointments, for this would economise the efforts of the examiners and would be convenient to the candidates. Third, among other proposed ways of allocating the successful candidates to the vacancies, the Commissioners proposed that they should be allowed to enter the Departments of their choice in order of their place on the pass-lists.

Only part of the recommendations were carried into execution, and this, in the teeth of strong protest from the clubs, political and society, from politicians, and from everybody who had some personal advantage to

lose by the reform.<sup>1</sup> Objections were violently urged, both in the Papers commenting on the Report, and in the Press. It was suggested that calamity must follow the confrontation of "a democratic Civil Service and an aristocratic legislature." Politicians feared that Government would be weakened by being deprived of patronage. Low people, "without the breeding or feelings of gentlemen," would demoralise the public service! The reform would imply that Church, judicial, and local government patronage should be abolished also! There would be public clamour against the examiners. Society hostesses would cold-shoulder the heads of Departments who passed over their friends by promoting for merit! Examinations would not test character; they would not even test anything; certainly good brains would be excluded by their clumsiness! The plan was Utopian in its blissful hopes, Chinese in its literary quality and uncivilised associations, and Prussian in its pedantry and bureaucratic atmosphere! "No," the critics argued, "it is dull work and small pay that depress the quality of entrants to the Service—not patronage!"

Macaulay, wandering into Brooks' in March 1854, found everybody astounded by Trevelyan's plans for the abolition of patronage at home. The reformer of the Indian Civil Service was never so depressed as when he had been spending part of his afternoon at the club. The storm from clubland almost swept Trevelyan, the Sir Gregory Hardlines of Trollope's *Three Clerks*, out of office. A remark made by the latter in 1875 (before

<sup>1</sup> It is interesting to remember that Gladstone, who urged on this reform, did so on the ground that the higher classes would get administrative power. He believed, in 1854, that the aristocracy of this country were superior in natural gifts, on the average, to the mass, and with their acquired advantages, their "insensible education," irrespective of book-learning, were immensely superior. See the letter to Lord John Russell, Jan. 20th, 1854, in app. to Morley's *Life*. Queen Victoria, a dubious liberal and never a democrat, was much perturbed by the suggested reforms and consented to them most grudgingly. *Letters*, February 7th and 17th, 1854.

the Playfair Commission on the Civil Service) is too interesting to put into a footnote. "I wish," he said, "briefly to explain the circumstances which led up to the Report of Sir Stafford Northcote and myself on the organisation of the Civil Service. *The revolutionary period of 1848 gave us a shake* (my italics), and one of the consequences was a remarkable series of investigations into public offices, which lasted for five years, culminating in the Organisation Report."<sup>1</sup> Fortunately, the principal statesmen concerned, supported by the most enlightened administrative and educational opinion, which saw in this reform a most potent means of refreshing the universities and public schools, and calling out, as the pupil-teacher system had done, a mighty accession of hidden, or rather suppressed, talent, carried out the plan. It is significant that it was *not* initiated by Act of Parliament, for this the assent of Members of Parliament would have been necessary. It is also significant that much support had been obtained from the Government administrators in Ireland. They had used methods of appointment by merit with success. It is interesting to reflect that in this instance, as in the case of the reforms of the English police system and the Royal Irish Constabulary, Ireland was a sort of administrative laboratory for its oppressors!

By an Order in Council of May 21st, 1855, the Civil Service Commission—the central board of examiners—

<sup>1</sup> *Parliamentary Papers*, 1875, Vol XXIII, p 100. It is remarkable that Trevelyan's services to the English Government, at home and in India, have not yet received a mark of gratitude in the shape of a full memoir. The *D N B* gives scant information about him. Born in 1807, at Taunton, he was educated at the Grammar School, and at Charterhouse, and thence proceeded to Haileybury. He entered the East India Company's Bengal Civil Service as a writer in 1826 and rapidly rose to high administrative office, his interest and endeavours being directed especially to public education and finance. In 1838 he returned to England, and from 1840 until 1859 he was assistant, and later permanent, Secretary to the Treasury. It was in this period that he helped so materially to bring about the reorganisation of the Home Civil Service. In 1859 he returned to India as Governor of Madras.

was established, with three members, with tenure during the pleasure of the Crown, "to conduct the examinations of young men proposed to be appointed to any of the junior situations in the Civil Establishments." The Commission would decide upon the age, health, character, and requisite knowledge and ability for the discharge of their official duties, and would give a certificate to this effect precedent to the appointment. The extent of the actual reform was this: competition, not compulsory but permissive, was made the basis of appointments, but only throughout the ranks of the junior offices; the power of appointment, following the issue of the Commissioners' certificate, was still in the hands of the political heads of Departments, and a six-monthly probation period was established. Abuses were thus limited, not entirely swept away. The Foreign Office was a particularly hard nut to crack, and it took decades before John Bright's quip made in 1858 began to lose any force—"that England's foreign policy was nothing more nor less than a gigantic system of outdoor relief for the aristocracy of Great Britain." People of mature age who had special qualifications for a particular post were not required to have the Commission's certificate. Shaw-Lefevre served as Commissioner from the beginning until 1862.

It was twenty years before party attacks upon the work of the Commission ceased and it was left to work in peace. Anthony Trollope in an article in the *Fortnightly Review*, October 15th, 1865, said, "'We, Your Majesty's Civil Service Commissioners, humbly offer your Majesty this our Tenth Annual Report.' Thus the dread document now under notice is commenced, reminding us with terrible earnestness of the quiet progress of the years. Here is their tenth report, and it was but the other day that we were discussing whether these Commissioners would ever have real existence!" The Superannuation Act of 1859 supplied a sanction to the rules of the Order in Council by providing

that with certain special exceptions (professional officers of mature age being the most important) no person should thenceforward be deemed to have served in the Civil Service and entitled to a pension unless he should have been admitted with a certificate from the Civil Service Commissioners. In 1870 the Order in Council of June 4th completed the edifice thus created. Its essentials were these: first, the test of open competition was made obligatory, practically throughout the Service; second, in the case of "professional"<sup>1</sup> officers, the Civil Service Commissioners might dispense with the examination test if they thought fit; third, certain officers appointed directly by the Crown (in 1914 these still numbered about 300, since considerably reduced)<sup>2</sup> needed no certification whatever by the Commissioners; fourth, for certain situations, where the Head of the Department wished to dispense with an examination, the Civil Service Commissioners could consent at the request of the Head of the Department and the Treasury. Last, but very important, the Treasury, which necessarily had powers of co-ordination and control permeating all Departments because of its financial responsibilities and powers, was given exclusive and special authority in the field of Departmental organisation. It was to approve the rules for testing candidates made by the Civil Service Commission and the Departments, and the periods at which examinations should be held, the number of vacancies, and the grouping of situations to be competed for.

Since 1870 the development of the Civil Service has been marked by a series of thorough inquiries always searching for improved efficiency. There were the Playfair Commission of 1875, the Ridley Commission of 1884-90, the Macdonnell Commission of 1910-14, the

<sup>1</sup> For example, legal practitioners, architects, chemists, engineers, toxicologists.

<sup>2</sup> A list, as at 1929, is given in the *Treasury Memoranda to the Royal Commission of the Civil Service, 1929-1931*.

Gladstone Committee of 1918, and most recent, the Royal Commission of 1929, and all of these had before them the questions of classification, recruitment, and promotion, all interdependent parts of a single problem. Perhaps the most searching of the great Commissions was the Macdonnell Commission of 1910-14, whose reports constitute the most detailed analysis and the best picture of the Civil Service as it was at that time, and a most fruitful source of post-war reorganisation. The Royal Commission of 1929, presided over by Lord Tomlin, a judge, was extremely useful in its inquisitiveness, but did not rise to the full height of its opportunity in its recommendations.<sup>1</sup>

It should be noted that there is no one general statute for officials as there is in the States and the Federal Authority in Germany, and as has been unsuccessfully demanded in France. The foundations of the Civil Service are established, for the most part, by Orders in Council and not by Acts of Parliament. They were drawn up by successive Cabinets in accordance with the recommendations of Royal Commissions; Parliament was not asked in any effective sense to ratify them, although it occasionally discussed their general character. The Treasury and the Civil Service Commission were made the custodians of their execution.

The result of this evolution is a Civil Service which is rightly the envy of the world, for it combines technical efficiency with humane serviceability as no other Civil Service does. Trevelyan, Northcote and Macaulay accomplished a miracle of foresight. Without it the social and economic services of British Government could not have been undertaken, still less implemented as they are. When Bertrand Russell<sup>2</sup> blames statesmen for not having invented an organisation of government adequate to the power at their

<sup>1</sup> It is henceforth referred to as the Tomlin Commission. It reported in 1931, Cmd. 3909.

<sup>2</sup> *Freedom and Organisation*, 1935.

disposal and the problems it has called up, he closes his eyes to the invention of a permanent, skilled Civil Service. Of this Graham Wallas said: "the creation of this Service was the one great political invention in nineteenth-century England." We must not, however, regard the era of administrative invention as finished. It is clear that the future will see not less, but more, State activity, and individual fortune and happiness will depend even more on our continued concern for appropriate administrative amendment. In the course of the description which follows the problems and the possible solutions are indicated.



### CHAPTER III

#### GENERAL ORGANISATION

THE Civil Service is held in position by being firmly clamped to a strong quadrangular framework : Treasury Control to unify and co-ordinate the work and organisation of the Departments ; the Civil Service Commissioners as the creators and custodians of standards of efficiency ; the connection between the ages at which the various grades of the Service are recruited and the educational system of the country ; and competitive not merely qualifying examination.

#### I. Treasury Control

Set in the centre of the administrative Departments to control their numbers, pay, and the conditions and methods of work, is the stern purse-holding pater-familias of the English political *ménage*, the Treasury. The Treasury is, with a stringency and method unparalleled in any other country in the world, responsible for presenting the estimates of the Civil Departments to Parliament, and to achieve this heavy responsibility effectively, it needs a position of emphatic and unquestioned authority over the Departments. This it has won by the combination of governmental rules and the power of tradition. Its formidable constitutional status is symbolised and fortified by the fact that the Prime Minister is its titular head. Its predominance is marked in the Order in Council of 1920.<sup>1</sup> “ (6) The

<sup>1</sup> Civil Service ; Order in Council, No. 1976, providing as to the qualification of persons proposed to be appointed to H.M.'s Civil Establishments, and regulating the conduct of the said Establishments and the conditions of the service therein. The latest publication is the *Orders in Council relating to the Civil Service*, 1929.

Treasury may make regulations for controlling the conduct of His Majesty's Civil Establishments, and providing for the classification, remuneration, and other conditions of service of all persons employed therein, whether permanently or temporarily." The regulations of admission prescribed by the Civil Service Commissioners (Section 4) are subject to the approval of the Treasury. Moreover, by Article 12 of the Order in Council of January 10th, 1910, the Treasury may direct, if they see cause, that inquiry be made at intervals of not less than five years into the pay and the numbers of officers employed by any Department of State.

Arising out of its financial responsibilities the Treasury is in everyday contact with the Departments, minutely examining their claims for appropriations and demanding adequate reasons not only for any increase in expenditure, but for the maintenance of even the previous year's total. Its Permanent Secretary (at present (since August 1919) Sir Warren Fisher, for the austerity of his views on the civil servant's devotion to his duty and his own devotion to the improvement of the Service, a worthy successor to Trevelyan, the pioneer) is called the "Head of the Civil Service," though when and exactly why this title originated is only vaguely known, and in some quarters it is severely attacked.

The proper organisation of the Treasury for the effective carrying out of general control, apart from discipline, which is best left to the Departments themselves, has long engaged the attention of the various commissions of inquiry. The objects in view were very well stated by the Royal Commission of 1914.<sup>1</sup> "The first object is the general oversight of the Civil Service, in order that its strength and its component parts may be most effectively employed to meet the requirements

<sup>1</sup> Royal Commission on the Civil Service, 4th Report, Cd. 7338, pp. 86 and 87.

of time and place ; and in order that it may be recruited and organised on lines appropriate to each case, and adapted from time to time to meet developments in the work of the Departments and in the educational and social condition of the country. The second object we have in view is to secure that through all departments and grades, the principle shall be enforced that each division or class of civil servant shall be employed only on the kind of work suited to its capacity ; that men of exceptional ability shall be promoted, when opportunity occurs, to situations in which their capacity may be turned to the best account ; that officers shall be transferred from one department to another in which they can be more usefully employed, and that when new offices are created the Civil Service may be prepared, if the men can be spared, to supply, if not the entire necessary staff of trained men, at all events, a nucleus which may be supplemented from outside." The Commission recommended that a special section should be created within the Treasury subject to its administrative orders and charged with the duties requisite to achieve these objects. It was to make necessary inquiries of its own initiative ; to make recommendations to Heads of Departments ; to secure that each Department should have efficient machinery for recognising and rewarding exceptional cases of ability and merit, and that advantageous transfer of servants from one Department to another should be made. That section ought to be so constituted as to possess experience as far as possible of various branches of the Service.

In 1918, the Machinery of Government Committee of the Ministry of Reconstruction<sup>1</sup> went fully into this question. It pointed out how the exercise of the Treasury's authority in the matter of Departmental expenditure had gradually led to an attitude of

<sup>1</sup> Report, Cd. 9230, of 1918 ; often referred to as the Haldane Committee, since Lord Haldane was its chairman.

antagonism between that and other Departments, and demanded that the Treasury should recognise its obligation "not to assume a negative attitude in the first instance towards suggestions for improving the quality of a Service or the efficiency of the staff which administers it" (p. 20). Among their recommendations was this: "In the Treasury there should be a separate branch specialising in this 'establishment' work, and studying all questions of staff, recruitment, classification, etc., and routine business generally. Such a branch would be in close touch and constant communication with the officers in other Departments charged with the duty of supervising the 'establishment' work."

These proposals were carried further, almost simultaneously, by the Committee appointed to inquire into the "Organisation and Staffing of Government Offices." And its proposals<sup>1</sup> became in their entirety the basis of the reform which followed in August 1919. The Committee held that both in the Departments and the Treasury motives and machinery for the improvement of staff control must be created. In regard to the Departments the theory was that their own officials ought to be made to feel that they personally were responsible trustees for the public purse. This was deemed to be possible only where a real sense of responsibility was felt, and this again could only arise where there was some independent power to make decisions. Yet this independent power of the Departments should not exclude their sense of identity of purpose with the Treasury, nor co-operation with it and among themselves. The machinery to this end, recommended in the Report, is of the highest interest and importance. In each of the larger Departments a picked and thoroughly experienced officer was to be in charge of the establishments. He was to be assisted by the necessary staff. His own status was to be a mark of the importance of his work and an earnest that it would

<sup>1</sup> Cmd. 62, 1919.

receive its due attention. He was to be of equal rank with the Heads of the principal divisions of the Department and to be responsible directly to the Head of the Department. Further, in order that he should be specially related to the Treasury, his nomination to the post, made by the Head of his Department, was to be submitted to the Treasury for their concurrence before the appointment took place. Quite the most important of the duties assigned to him,<sup>1</sup> though they were only some among many, were those connected with the efficiency of the staff. "He should also be responsible for the application of all rules in regard to the selection of personnel, i.e. the strict enforcement of the requirements of the Order in Council in regard to probation and of the principle that ability is the sole criterion of fitness for promotion, and the use, where necessary, of the power under Section 2 of the Superannuation Act, 1887, to retire a civil servant on the ground of his inability to discharge efficiently the duties of his post." In the Treasury, a special Establishment Division was to be created to maintain close personal relations with the Departmental establishment officers, to collect and extend the general experience of the Service as a whole, to formulate a code of Service regulations, and to adopt all the methods necessary to improving the work, organisation, mechanical equipment, and to give advice on promotion, classification, and recruitment to the Departments. A Committee of Establishment Officers was also recommended, which should meet under the chairmanship of the Controller of Establishments, and give its advice on general questions which came outside the particular ambit of the individual Departments.

<sup>1</sup> This statement is based upon careful consideration of the methods of "rating," or "grading," or "scoring" talent and service in public administration. It is here that the methods of private and public industry must part company, and exactly here will be found the greatest difficulties in the administration of the Socialist State. Cf. the discussion of the question in *Theory and Practice of Modern Government*, Vol. II, 1345 pp.

The fourth recommendation was of special significance. Experience had suggested that the efficiency of the whole Service was to be better secured by the personal investigation of Departments by Treasury officers. Nothing, indeed, emerges more clearly from the study of modern methods of Treasury control in England or abroad than this, that the work of Government is nowadays so extensive and intricate that any Treasury wishing to exercise its control with any effectiveness is bound to plant its own officers as outposts, to listen and watch, in the Departments themselves. This, of course, has its disadvantages; but experience, at least, points in this direction. Treasuries in control of the Departments have, in the course of development, become smitten with the very infirmities which cause Parliament and its Estimates Committees to give up the untutored attempt to control the public finances—inability to appreciate with any reality of feeling and knowledge the thousands of things the spenders are doing with the money. When a concern is small the official can have a living experience of all its parts, and control may bear a full and wise relationship to the purpose of the enterprise and permit, therefore, a considerable degree of subordinate initiative; when the organisation has grown bigger, the mind can dwell on its object for less than the essential time, and acquires impressions only; later, hearsay becomes the only parent of judgment and command; and, finally, even hearsay must be discarded, while the written record takes its place. "There appears," says the Report, "to be a general agreement that Treasury criticism in the past has too often been misinformed and misdirected owing to the reliance placed on written communications. We recommend, therefore, that the Establishment Division of the Treasury should be sufficiently staffed to enable its officers to make personal investigations, whenever they so desire, by arrangement with the Departments, for the purpose of securing

first-hand knowledge of the methods of work and system of grading in the different Departments and of satisfying themselves that the staff is not excessive. We do not think that any special powers are required for this purpose, as such investigations, being intended to clear away misunderstanding or to assist a Department by expert advice and well-informed criticism, would, we understand, be welcomed by Departments."

Until August 1919 the Treasury was organised on the basis of divisions each supervising a number of Departments. The reorganisation then effected was based upon a division of functions within the Treasury; separate branches were created for (a) Supply Services (money required by Departments), (b) Finance (concerned with the Loans, Revenue, and the Budget, and City and Money Market transactions), and (c) Establishment. It is the Establishment Branch, headed by the Controller and Deputy Controller of Establishments, which now acts as the authority immediately concerned with all staff questions throughout the Service. Its creation in 1919 was due not merely to the force of the recommendations of the committees we have already discussed, but also to the independent recognition that after the war staff questions and re-organisation of the Service would assume an important and even an urgent aspect. Naturally it is impossible to separate financial considerations from the regulations of the numbers and conditions of work in the Civil Service, and therefore the officials of the Establishments Branch are in constant touch with the Supply Branch of the Treasury. The Supply side is closely concerned with the practical implications, in terms of personnel, of any Statute. The result of this differentiation of functions and organs has been to intensify the control of the Treasury in establishment matters. The members, comprising a Principal Assistant Secretary (to whom the functions of the Head of the Civil Service are devolved) a half-dozen assistant

secretaries, and the customary assistants of various kinds, of the Establishments Branch have obtained a profounder knowledge of the principles underlying their work, and a much more intimate knowledge of the inside conditions of other Departments. Both these advantages are fundamental to any attempt at fruitful control. Within the separate Departments special officers have been made Establishment officers, and where the Department is large (e.g. the Board of Trade and Ministry of Labour) well-organised and full-time divisions have been entrusted with establishment work. They are primarily concerned with the conditions of their own Department, and the essence of their task is to secure a proper economy of staff and conditions: equity between the classes of the staff, a right proportion between the classes of officials and the amount and nature of the work to be done. These officers being officers of the Department and not of the Treasury, are accountable to their Department alone, for it must be emphasised that the controlling position of the Treasury does not quash the day-by-day administrative responsibility and disciplinary authority of the Heads of each Department. But between them and the Establishment officers of the Treasury there is practically day-to-day consultation. As soon as any part of the domestic economy of a Department in relation to numbers, pay, promotion, conditions of work, equipment, becomes a matter of general principle involving the State in possible future financial charges beyond the boundaries of regular established routine, the Departmental Establishment officer goes to the Treasury about it. Further, the Treasury convenes meetings of the Establishment officers every quarter, and occasional special meetings. Correspondence is, of course, formally kept up between the Permanent Secretary of the Department and the Permanent Secretary of the Treasury. The contacts appear to be sufficiently frequent and satisfying to make recourse to the general power of the



Treasury to hold enquiries unnecessary.<sup>1</sup> As we shall see by some examples later, the Treasury is effective also through the Minutes which may follow some remark on administrative procedure made by the Committee on Public Accounts, by recommendations made as the result of some conspicuous disciplinary event (like the Gregory case),<sup>2</sup> or by the authoritative promulgation of recommendations made by Royal Commissions of Enquiry, after report usually from the National Whitley Council.

To these two parties to staff questions there was added in 1920, for some cases, a third, the Departmental Whitley Councils and the Office Committees. The Establishment officer of each separate Department will attempt to carry the Departmental Whitley Council with him in his policy, and his policy will be carefully watched by the Staff Side. Often, therefore, the problems which arise will be dealt with by a three-cornered discussion, since the Treasury will try to secure the agreement of both the Departmental parties. Part of the price of making policy representative of all interests is complication of machinery and slowness of decision. Experience in this particular field shows it is a price worth paying, though the Treasury feels that it is being more vexatiously worried than ever before by the staff, and the staff, through its Councils, feels aggrieved at Treasury slowness and deviousness.

The staff have made even more drastic criticisms—that Treasury control is severe, unimaginative, and destructive, unreasonably prohibiting slight but beneficial differences of organisation between Departments. They ask for greater latitude in the Departments in determining numbers and grading, subject only to parliamentary control. The Tomlin Commission concluded, however, that Treasury control was in the main

<sup>1</sup> Sir Warren Fisher, *Tomlin Commission, Minutes of Evidence*, Question 18964.

<sup>2</sup> pp. 174 *infra*.

satisfactory, but thought that conditions in various Departments were so diverse that excessive uniformity should be eschewed.

Tension between the Treasury and the Departments is of long standing and is unavoidable, for nothing displeases so much as a fine Departmental scheme wrecked by the Treasury plea of an empty pocket. But consultation is surgical to much displeasure, and an anæsthetic of the rest. We may have sympathy and understanding for both sides : the Departments which need the staff and the apparatus necessary to fulfil their valuable social and economic services, and the Treasury which has the heavy and unpopular burden of finding the money, and therefore must act the part of a skinflint. The Treasury is obliged, according to Gladstone, to say : " No, No, No ! " Treasury control is ineluctable in a sound economy, for money must be looked at a dozen times before it is spent, especially if it is provided by the public on trust for *its* benefit. Yet the Treasury should always ask itself whether it is its chastity it is defending or an obsession about its chastity. The widening and deepening field of State activity in planning especially, will require some more interlocking arrangement between spenders and controllers than now—some comprehensive planning and investment commission, by the side of the Cabinet, to settle those things which the Treasury now determines alone.

We must hope, at any rate, that one suggestion of the Tomlin Commission will bear fruit : that within the Treasury there should be a small section of highly trained staff, seconded for these duties for a few years only, to survey and study the machinery of government, with a view to better organisation in the Departments and better co-ordination between them. This section would co-operate with the Departments being studied at any particular time, and reports would go both to the Treasury and the Heads of Departments.

By certain other devices the primacy of the Treasury is being enhanced. In 1920 the Government of the day declared the principle of requiring the consent of the Prime Minister on appointments of Permanent Heads of Departments, Deputy Heads, Principal Financial Officers and Principal Establishment Officers. When a vacancy occurs it is the duty of the Permanent Secretary of the Treasury to advise the Prime Minister and the Ministry of the Department concerned whom to appoint. This is a weighty power. Between 1918 and 1935 inclusive, of forty-eight appointments to Permanent Headships of Departments, ten were men previously at the Treasury; but of these ten one was Comptroller and Auditor General, another Economic Adviser to H.M. Government. Further, since 1930, the Treasury only accepts entrants into the Administrative Group by transfer from other Departments when they have already served a novitiate of two or three years. It is very doubtful whether, in the long run, this will prove beneficial to the State. It seems as though the policy is to take the best recruits from all Departments, give them a Treasury training, and then send them back years later to the spending Departments. It helps the Treasury, and gives the officials in question a wider vision than a single Department's—but where are the great creative minds in a single branch to come from?

## **II. The Civil Service Commissioners.**

The executive authority for the making of rules of entry into the Civil Service is the Civil Service Commission. It consists of three members, directly appointed by the Crown, by Order in Council, and in practice this means by the Cabinet after consultation with the highest authorities in the Treasury. The Commission is free from outside, and especially political interference, by a tradition honoured from the outset of its career. The Commissioners, who hold office

during the King's pleasure, are not subject to any Minister but make their reports to the King,<sup>1</sup> "May it please Your Majesty . . ." Their quasi-judicial functions are thus freed from political pressure. How important this independence is, queer as this is in a democratic State, can be surmised from the samples of various States and cities in America, where, in spite of exemplary rules of recruitment, the Services are debauched through the political accessibility of the Commissioners.

The present First Civil Service Commissioner is Sir Roderick Meiklejohn, who entered the War Office and has served in the Treasury. He was attached as private secretary to high officials and statesmen, including Mr. Asquith, during his Premiership. From the Deputy Controllorship of the Treasury he passed to the Commission in 1928. The Second Commissioner has been in the Civil Service Commission all his official life. The Director of Examinations was Assistant Master at Marlborough, and thence entered the Commission as Junior Examiner in 1901.

The work of selecting candidates for all offices is in the hands of the Commissioners and for the purpose it engages a large number of examiners, all academic persons of the highest standing, and many interviewers, academic and retired officials from diverse services. As we have already said, it is not a subordinate of any Department or even of the Treasury. For though the Treasury has joint authority with the Commissioners in their rule-making powers, and has, undoubtedly, *the last word in matters of dispute*, the executive work is in their hands, and their decisions are never questioned.

<sup>1</sup> This point is very ably discussed in the article on "The Civil Service" by Trollope already referred to. He says: "But the Civil Service Commission is unassailable, and lives in a casemented fortification against which no stones can be of any avail . . . if they do wrong, how are they to be called in question for the wrong they do?" He suggests that the Commission should be constituted "like other boards," with "no special irresponsibility."

The powers of the Commissioners have, in their latest form, been laid down in the Order in Council of 1920, already referred to. "(2) The qualifications of all persons proposed to be appointed, whether permanently or temporarily, to any situation or employment in any of His Majesty's Civil Establishments shall, before they are appointed, be approved by the Commissioners, and no person shall be so appointed until a certificate of his qualifications has been issued by the Commissioners." The power of the Treasury enters by the following rule in the same Order. "(4) The Commissioners may, *subject to the approval of the Treasury*, make regulations prescribing the manner in which persons are to be admitted to His Majesty's Civil Establishments or to any situation or class of situations therein, and the conditions in which the Commissioners may issue certificates of qualifications for the purpose of this order."

In regard to the actual exercise of its functions (which are quasi-judicial) its decisions in regard to age, health, character and ability of the candidate, the Commission is subject to judicial review, in respect of the "reasonable" and bona fide nature of its action.<sup>1</sup> But it is immune from political influence, and an attempt to bring such influence to bear would, in general, immediately act against the candidate. The Commission in its purity and endeavour to co-ordinate national education and entry into the Service is as much the creature of a public which desires such healthy qualities as it is the creator of an atmosphere healthy for the public. It is the guardian of honest efficiency, and is constantly on the look out for new methods of testing the ability that presents itself. Its incorruptibility gives the candidate complete assurance that if he enters the Service it is due to merit and that alone, and if he fails it is only because he does not reach

<sup>1</sup> *Pillai v. Secretary of State for India and Others*, C. A., June 3rd, 1915. Unreported.

the standard of the successful. "The candidate who enters for an examination," says Sir Stanley Leathes, former First Commissioner, "feels that he will have a fair field and no favour; moreover, he feels that if he works hard and uses his capacity to the best advantage he will secure reward for his effort: there is a measure of luck, there is a margin of error, but, subject to these and the limitations of personal capacity and opportunity, the fate of the candidate is at his own disposition to make or mar. That is why open competitive examination is trusted and jealously guarded and defended against artificial restriction."<sup>1</sup> Further, publicity of the Commissioners' appointments and promotions, and regulations, is secured through notice in the *London Gazette*. The Sixty-eighth Report of the Commission (1924) remarks upon the difference between the Order in Council of 1910 which formerly regulated its powers and the Order in Council of 1920 which superseded it. The latter caused the abolition of the schedule of situations for which recruitment by open competition was prescribed. "That schedule was first drawn up as an appendix to the Order in Council of June 4th, 1870, when recruitment by open competition was introduced. The schedule has now done its work, the principle of open competition is thoroughly established, and the schedule can, without harm, be discontinued."

The heaviness of the amount of work done by the Civil Service Commission may be learned from its own record of cases dealt with.<sup>1</sup> In 1921, the number of cases passing through its hands was a little over 89,000 (an abnormal year of post-war restoration and development) and it held ninety-three separate competitions. In 1922, it decided over 42,000 cases. In 1923, the number of posts filled by its agency was 12,339. A year

<sup>1</sup> *Journal of Public Administration*, Vol. I, No. 1, p. 349.

<sup>1</sup> Figures are all taken from the Civil Service Commission reports for the years in question.

later 12,104 posts were filled by it, and in 1925, the number of posts filled was 13,173. In their eightieth year (1935) the Commissioners filled nearly 23,000 posts. For all these situations the Commissioners vouch for the eligibility of the candidates in all respects, whether they be situations for which the Commissioners are required to act by Order in Council or Statute, or situations in the Civil Service for which the Commissioners act for the information of a Department, or situations not strictly within the Civil Service.

### Methods of Recruitment

Naturally, these situations are not all filled in the same way, for the Civil Service is an exceedingly complex organisation and the reports of Macaulay and Trevelyan give no idea of its infinite variety.<sup>1</sup> There are some 300 different kinds of situation created to cope with the multitude of tasks it has undertaken, but the posts are filled by either of three basic forms of test : (1) Written Examination, (2) Interview, and (3) Composite. With the distinction of competition between "open" and "limited" to those chosen by a Department, this gives six methods. To this must be added two methods of nomination. The Commissioners themselves describe the methods of recruitment so succinctly that they must be quoted in full.<sup>2</sup>

The classification of methods of recruitment depends in part upon the nature of the test used in judging knowledge and ability. Of the methods of judging knowledge and ability now in use the oldest is the written examination; the name "written examination" is appropriate because, although oral and laboratory tests in particular subjects are sometimes included, the examination is predominantly written. A more recent method of judging knowledge and ability is the interview. The

<sup>1</sup> This variety can be seen from *Civil Service Examinations*, a pamphlet (1s. 3d.) obtainable from H.M. Stationery Office.

<sup>2</sup> Annual Report, 1935.

candidate converses with the Board of Interviewers who are in possession of the record of his attainments. Upon the interview and record, the Board judges the value of each candidate for the post to which he seeks to be appointed. On the basis of this judgment they decide which of the candidates are worthy of appointment, and they arrange the best of them in order of merit up to the number of vacancies that are to be filled provided so many worthy candidates are found.

The third method of judging knowledge and ability is a composite one that combines the qualities of the two already mentioned. This method of examination contains a number of items, one item being personality and the others subjects of knowledge. The candidate's mark for personality is given by an Interview Board as in the second-named method. His mark for each of the other items is given as in the first-named method, his total mark which determines his position is the sum of his marks for all the items.

A large number of officers are recruited by means of competitions. A competition may be held under regulations made by the Commissioners and open to all candidates who possess the qualifications prescribed in the regulations, or it may be held under conditions prescribed by a Department and restricted to candidates chosen by the Department. The combination of this distinction with classification according as the competition is by written examination, by interview, or by composite test, gives six methods of recruitment furnished by competitions.

Appointments of candidates nominated by Departments fall into two classes according as the nominees are or are not persons already serving in an established capacity. The first class, the appointment of persons already serving in an established capacity, are promotions. Only those promotions, however, which necessitate the recertification of the promoted officer are included in the following table; much the greater number of promotions being made in ordinary course are effected without the Commissioners' intervention and are not recorded by them.

The second class of nominations falls into four groups.



The first group is the largest and that to which the term nomination most obviously applies. In general, the nominee is chosen by the Department by some form of local selection and it is only because the selection is in the hands of the Department instead of being in the hands of the Commissioners that the method comes under the head of nomination. Manual and manipulative grades (such as Postmen and Telephonists) employed throughout the country in the Postal Service regularly account for a considerable majority of all appointments made during the year by nomination. For such situations a competitive examination would be an unsatisfactory method of choice, while a competitive interview held by the Civil Service Commissioners would be very cumbersome.

The second group consists of classes of employees nominated by their Department for establishment after having given satisfactory service for a number of years in an unestablished capacity. One such class is the workmen employed by the War Office in the Ordnance Department and Ordnance Factories, who are certificated as Established Civilian Employees and usually employed as foremen. Other examples are the Skilled Workmen and temporary Postman Messengers in the Post Office Service. Temporary Postman Messengers are selected from the grade of temporary Telegraph Messengers partly on good service and partly on examinations conducted by the Civil Service Commissioners; they are certificated for retention for a time as temporary Postman Messengers and for possible appointment thereafter as established Postmen.

For the third group the method of appointment does not differ greatly from competitive interview. The nominees are chosen by an interview board on which the Civil Service Commissioners are generally represented and often furnish the chairman. The interview board, however, is advisory and does not make the final decision. It makes to the Head of the Department a recommendation that certain persons shall be nominated for appointment, but there remains with the Head of the Department a discretionary power to depart from the recommendation of the board. This power, even if in practice it be not

exercised, brings these appointments into the nomination group. The appointment of Medical Officers under the Ministry of Pensions and of Engineering Inspectors under the Ministry of Health are examples of this method.

The fourth group results from changes in the organisation of the Civil Service by which classes of persons formerly unestablished are from time to time brought within the established ranks. Included in this group this year are those persons who were appointed as a result of the reports of the Temporary Staffs Committee.

As the four groups under which we have described the nomination of candidates from outside the established Civil Service are not sharply distinguished from one another, it is not possible to state the number of appointments made in each group, and in the table that follows,<sup>1</sup> nominations are divided into two classes only, those of persons already in the established Civil Service and those not already so established.

### III. The National Educational System and the Service.

The nature of the connection between the grades and the educational system of a country is an important matter. For the accessibility of situations will naturally cause the establishment of schools to prepare students for examinations, while the Civil Service authorities will be influenced more or less consciously in their classification of the work in the Service by the products of the schools at different ages. This connection between the educational and the Service classification was, in fact, implicit in the actual historical development of the Civil Service, for the two divisions of work, *administrative and clerical*, coincided, though with an amount of error which is discussed later, with university and secondary school education. Both the reformers of 1853 and the educational authorities of the time grasped the significance of the inter-relationship. But for any application of the principle to the grades below the highest the times

<sup>1</sup> Not reproduced.

were not propitious, for, indeed, no public or comprehensive secondary school system existed before 1902. The issues involved were but vaguely grasped until the Macdonnell Commission examined the situation. By the time it was appointed, the variety of work in the Service had completely outgrown any rational co-ordination with the main grades of education. It was the merit of that Commission to have brought the problems into conscious notice, to have prescribed for a harmonious co-operation between the Civil Service Commission and the educational system to the great advantage of both. How these interlock will be appreciated from the short description of the various classes of civil servants given later, but here three questions must be raised.

If the Civil Service examinations demand technicalities, which the schools would not ordinarily give, their " cramming " institutions will take away students for a year or so before the examinations are held, and, indeed, in spite of the close adaptation of examinations and school syllabus, there are many " cramming " institutions. To help the students, headmasters and Education Committees are tempted to pervert or, at least, dilute education with vocational training. It is better in the long run for education to be, for as long as possible, a liberal education, an education as man and citizen ; it is better in the long run also, for the social democratic serviceability of the future civil servant. Let the schools, then, proceed on uninvaded pedagogical principles. This raises the second problem, for, by following this course the schools can deliver to the Civil Service only the good raw material of a civil servant. It imposes on the Service itself the duty of establishing post-Entry Training, as to the character and methods of which some remarks will be made later, since its importance passes far beyond its present pertinence. The Commissioners of 1914 themselves said nothing on this question, but they raised the third,

which is of an importance far surpassing the other two. They were convinced that to the attainment of an ideal Civil Service it was essential that the educational system, from the primary schools to the universities, should be made open to the capable of every class by means of a well organised system of scholarships<sup>1</sup>

Such a policy is essential to a democracy for two compelling reasons: society can derive invaluable advantage by opening the way for talent, so that every kind finds unencumbered access to its most appropriate opportunity for service, and there is a direct addition to social welfare when each individual is offered the maximum opportunity of self-development. Since 1914 the provision of scholarships and free places in the secondary schools has been much extended, until 48 per cent. of the pupils pay no fees, and 5 per cent. pay only partial fees. The State, therefore, makes it possible for a quarter of a million to find their way into the Civil Service if they so desire. But these figures are misleading, for only those of exceptional talent obtain scholarships. The "A + 's," the "A's," and the "A - s" get through, but the "B + 's" and others are kept out by those who may be of lower intelligence but whose parents can afford to pay fees. Moshinsky and Gray have shown in a very intelligent and searching investigation that, according as we take the upper or lower limit of *high* ability, an able fee-paying pupil has a chance of receiving a higher education either six or seven times greater than that of an equally able free pupil. *Below* the level of ability they selected, for every one free pupil given an opportunity of a higher education, there are 162 fee-payers who enjoy the same advantages.<sup>2</sup>

In England and Wales only one in twenty-two of the

<sup>1</sup> This is the general tenor of the discussion on pp. 29 and 30 of the Report, Cd. 7338, 1914.

<sup>2</sup> *Ability and Opportunity in English Education*, Sociological Review, April 1935.

secondary school age enters secondary school ; in America one out of two. This means that England, for unsocial reasons, deliberately deprives herself of an important reservoir of talent. When we add that (a) the university and technical students, 55,000 roughly, are only one in sixty-four of the university age group, and that (b) of these only one in five are ex-elementary school pupils who had free places in secondary schools, we can appreciate the force of two facts : the wilful closing of the profession in its lower grades, and the resentment felt by very capable secondary school entrants, who, having had no chance to enter the university can never get into the Administrative Grade. Hence the intensity of their demands for a policy of promotion from the Clerical and Executive Grades, to be discussed later. The Tomlin Commission reaffirmed the policy that the Commission should keep in touch with educational bodies, but had nothing to say about increasing the reservoir of pupils from which the Civil Service might draw its public servants. It was, apparently, unconscious of the problem!

#### IV. Competitive Examination.

The system of selection is normally "competitive" in view of a definite number of vacancies. This differs from what might be called the "Qualifying Examination," in which the examiners fix a pass mark, say 70 per cent. as in America, when all those who achieve that mark are kept on a list of eligibles for some years. The superior value of the English system is that it automatically keeps the level of quality up, the standard being set by the best candidates. As Macaulay said in a passage already quoted, "Under a system of examination every man struggles to do his best, and the consequence is that without any effort on the part of the examiner, the standard keeps itself up." In the English system the psychological pressure on intending candidates comes long before they enter for the examination,

for they know roughly the number of vacancies and that the order of merit will decide their failure or success. As Sir George Cornwall Lewis said in 1853, "The two sorts of examinations may be illustrated by the difference between a horse race and the process of examining horses for the use of a cavalry regiment!" Of course, if there are no racehorses about, one can only get the heavy-footed plodders—but that is another story.

It cannot be too often or forcibly emphasised that *recruitment by examination* may not be the perfect way of choosing men and women for specific work. It was introduced consciously as the most effective way of abolishing, and warding off the return of, patronage and favouritism. Written examinations were accepted as the best wholesale way of comparing candidates. Yet the generations of Commissioners and other experts are agreed that examinations do test knowledge, memory, intelligence, system, and the power to master information, to digest it and make sense of it, and to express it intelligibly in a given time. No alternative system is a better test. Hence it is indispensable. But being both indispensable and liable to error, supplements like oral examinations are necessary, and as only raw material is supplied to the Service this must take probation and training after entry very seriously.

## CHAPTER IV

### THE PERSONNEL

THERE are now approximately 495,000 persons employed in the Civil Service. Of this number nearly 145,000 are industrial workers, employed in the Government Dockyards, Arsenals, the Post Office Engineering Department, the Office of Works, and the Stationery Office. We do not discuss their position, since in point of conditions they differ little from similar groups in outside employment. Another group of 182,000 includes the Minor and Manipulative officers, mainly employed in the Post Office. A third group calling for no special discussion is the 18,000 messengers, porters and charwomen. The men are usually former soldiers or sailors. We are left with 150,000. This comprises the administrators, the executive and clerical workers, and the professional and scientific staffs. They require discussion.

The present classification of the Service is the result of the recommendations made by the National Whitley Council in 1920.

In 1919, the staff were themselves given, for the first time in the history of the Service, the right to co-operate with the Heads of Departments and the Treasury in the work of reclassification and reorganisation. Their views were expressed through representatives elected by them to the Staff Side of the National Whitley Council. Staff Side and Official Side laid their agreed report before the public in February 1920.<sup>1</sup> It

<sup>1</sup> *Report on the Organisation, etc., of the Civil Service*, H.M.S.O., February 17th, 1920.

was "the first occasion on which a body composed entirely of present or past civil servants, possessing among them a wide and varied experience of the Public Service, have been given the opportunity of framing a scheme for its reconstruction," and that "a group of persons drawn from every part of a graded service of the Crown" had been "able to present an agreed report upon the form and shape their service should take."

### The Classes

This brings us at once to the present classification of personnel based upon that report, for by the middle of 1922 reorganisation and assimilation had been effected in most of the big departments, though only after many perplexing difficulties had been overcome and claims and counter-claims settled. The Service has been transmuted into these classes :

A. The Administrative Class, covering the old First Division. It is open by competitive examination to men and women between the ages of 21 to 24. Until 1925 it was open to women between the ages of 22 to 30 to be chosen, when necessary, by an authoritative and impartial selection board with or without a qualifying examination. In 1925, the class was opened to women on the same terms as to men ; since that year down to and including 1936, only fourteen were successful, the total of women competing being 117, that is one-twelfth the number of men. As the age indicates, it recruits mainly from the Honours Degree men of the universities. This class is recruited also by promotion from the lower classes of the Service, and those who are so promoted, as well as those who enter by examination, enter first the administrative cadet corps, called the Junior Grade, which serves as a training ground for their new duties. The numbers of such promotions are to be small enough to give a reasonably certain prospect of more responsible office



later. From 1923 to 1935 the class was recruited to the extent of 278 by competition and 82 by promotion. The annual relationship of promotees to entrants is erratic. There is a probation period of two years, at the end of which there is either discharge or reversion to a lower grade if the probationer is unsatisfactory.

B. The Executive Class, to do the higher work of the Supply and Accounting Departments, and of other executive or specialised branches of the Service. Clause 32 of the Report further specifies this kind of work :

“ This work covers a wide field and requires in different degrees qualities of judgment, initiative and resource. In the junior ranks it comprises the critical examination of particular cases of lesser importance not clearly within the scope of approved regulations or general decisions, initial investigations into matters of higher importance, and the immediate direction of small blocks of business. In its upper ranges it is concerned with matters of internal organisation and control, with the settlement of broad questions arising out of business in hand or in contemplation, and with the responsible conduct of important operations.”

It is recruited normally by promotion. Direct recruitment at 18 to 19 on a full secondary education basis comes in only in the absence of suitable promotees. From 1923 to 1935 there entered by competition 483, by promotion 373, and 34 by nomination. Where there is extension of this grade to women they are chosen by a selection board between the ages of 18 and 25. In this class there are two grades, (1) a Training Grade and (2) the Higher Grade. All entrants whether by open competition or by promotion go into the Training Grade supposedly for a two-years' probation and a wide training. The probation is followed by discharge or reversion to the Clerical Class.

C. The Clerical Class covers the lower range of the old Second Class, with the addition of the Assistant

Clerks and the Boy Clerks. Clause 24 of the Reorganisation Report specifies its work as follows :

“ To this Class we would entrust all the simpler clerical duties in Public Departments, in so far as these are not assigned to Writing Assistants in accordance with the principles already stated, and in addition the following duties :

Dealing with particular cases in accordance with well-defined regulations, instructions or general practice ; scrutinising, checking and cross-checking straightforward accounts, claims, returns, etc., under well-defined instructions ;

Preparation of material for returns, accounts, and statistics in prescribed forms ;

Simple drafting and *précis* work. Collection of material on which judgments can be formed ;

Supervision of the work of Writing Assistants.”

The class falls into two grades : a Higher Clerical Class and the Clerical Class pure and simple. The latter is recruited among boys at 16 to 17, and among girls at 16½ to 17½, and the syllabus of the examination is framed with reference to the standard of development reached at the end of the intermediate stage of a secondary school course. There is also the avenue of promotion. Between 1923 and 1935, there entered 9,759 by competition, 2,277 by promotion, and 2,126 by nomination. There is one year's probation. In the case of men at £250, and in that of women at £195, there is an efficiency bar, i.e. normally after twelve years' service. At that point unless they are worth a *special certificate of competency to discharge the higher duties* of their class, they cannot proceed further up the wage-scale. There is then promotion to the Higher Clerical Grade, which does supervising or more difficult individual duties. The Higher Grade is employed only in those departments where there are no Executive Class officials.

D. There is a Clerical Assistant Class Grade I,

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formerly the Writing Assistant Class, to do the simple mechanical work, like hand-copying, transcribing, filling up forms, addressing letters, the writing and counting of cards and forms, the preparation of lists, and charge of the filing system. It is recruited from women at the age of 16 to 17, and there are opportunities of promotion to the Clerical Class. As a result of the proposals of the Tomlin Commission on the Civil Service of 1929, some of the duties of the Clerical Class have been transferred to the former Writing, now Clerical, Assistants, to make their work less monotonous, to offer better opportunities of showing fitness for promotion. This involved an increase in pay, a reduction in the numbers of the Clerical Officers, and an increase in the promotion prospects of the Junior Clerical Grade. This change (implemented by an agreement between the Civil Service Clerical Association and the Treasury in May 1936), involved the possibility of a lower grade still, Clerical Assistant Class Grade II.

E. Finally, there is a class of Copying Typists and Shorthand-Typists. Their numbers in any Department are restricted to no more than half of the total staff. The Typists are recruited between the ages of 16½ and 25 by a simple written competitive examination, and usually the Shorthand-Typists class is filled by competition in a written examination among eligible typists.

More classes than these are distinguishable if the divisions according to salary range inaugurated since the Report of the Tomlin Commission are taken into account. But for the purposes of this essay there is no point in pushing the analysis further. The recent changes merely add weight to our previous remarks regarding the dynamic qualities of all classifications. It might be noticed that since 1920, with the adoption of the Boy Clerk Class, there has been practically an abolition of "blind alley" jobs. Entrance is at 16, and there are opportunities for promotion where there is average talent.

As the recommendations of 1920 were not carried out completely (their intention being to bring into common classes, going through all the Departments, all officials doing common work) because of difficulties experienced by the Treasury and resistance shown by various groups of officials, the Civil Service, less the groups we have accounted for, must be exhibited as follows : There are 127,000 <sup>1</sup> altogether, thus distributed :

General Classes		Departmental Classes	
Administrative ...	1,300	“ Other ”	
Executive ...	4,453		
		Executive	12,320
Clerical ...	33,233	Clerical ...	22,412
Clerical Assistants	7,944	Unestablished	
		Clerical	14,662
Shorthand Typists		Unestablished	
and Typists	7,012	Typing	2,961
Assessors, Collectors, Distributors and Clerks			
to Commissioners of Taxes		... ..	1,780
The total is completed by :			
Inspectorates ... ..		... ..	2,278
Professional Scientific and Technical		... ..	6,504
Subordinate Supervising and Technical		... ..	10,831

We do not propose to examine the position of the various classes except the Inspectorates, the Professional, Scientific and Technical Staffs, which will henceforth be called (following the sensible usage of the Tomlin Commission) the “ Specialists,” and the Administrative Grade. The other classes have fairly specific jobs and, therefore, the qualifications and the appropriate examination tests are not difficult to invent. We have already indicated their duties, age of recruitment and opportunities of promotion. Other problems such as discipline, civil rights, etc., concerning

<sup>1</sup> A discrepancy of 18,000 compared with the figure previously given is partly accounted for by about 10,000 serving abroad in the defence, foreign and commercial services. The deficit is due to some variations in the classification and nomenclature.

these classes, have aspects common to the whole Civil Service and are best discussed later in relation to all classes. It only remains to emphasise the fact that although the opportunity of promotion from the lower and middle ranks to the Administrative Class is rare, there are not inconsiderable opportunities of rising to the Supervisory posts of the Clerical Class, rising in the latter case to nearly £700 a year.

### The Specialists

First then, the Specialists. These include barristers, solicitors, doctors, architects, engineers, and scientific and technical research staff. Below them are draughtsmen, technical assistants, supervisory staffs in industrial establishments, clerks of works and foremen of works. We concern ourselves chiefly with the superior group. Their importance for Public Administration needs no extensive description: it is enough to say that there is hardly any step the State wishes to take, in devising the law or executing the details of policy in all these services, without falling back at some stage on the advice of a scientific expert. Two examples may be given: a policy of national physical fitness and the advice of biologists and nutrition experts, and the execution of a housing and slum clearance policy and the advice of architects, engineers and surveyors. Two questions arise: the recruitment of these officials, and the relationship of their special expertness to the Administrators and the Minister, that is, the political chief of the Department.

As to their recruitment, there are no really serious problems. As Specialists, they have the publicly recognised qualifications. When individual vacancies arise they are advertised, and a selection is made by the method of competitive interview. There are, in fact, some 500 distinct grades. Inquiry has shown the difficulty of pooling all posts in order to have common recruitment, which might allow of a choice of candidates

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on intellectual grounds wider than the narrow specialism. Some improvement is, however, possible, especially in the case of the research staff.

What of their co-operation in the making of policy? The Specialists maintain that "the Parliamentary Head, in weighing the recommendations of his administrative subordinates, should be "fully seized of the nature of the technical advice upon the matter under consideration."<sup>1</sup> They urge arrangements to effect this, even proposing a system of advising the Minister by boards composed of administrators and specialists. If this was not feasible then there should be a right of access to the Minister on technical questions, and denied, at the same time, to the mere administrators. Their motives for these demands are not difficult to define. They wish mistakes to be avoided. They alone can tell where, when, and how the technical mistake will occur. The administrator may not appreciate the need for consulting them, and even if he consults them, the full force of their advice may not penetrate his obstinacy or abate the impetus of his enthusiasm. It may be also that some specialists believe that they know not merely what will be the scientifically appropriate course, but that their ideas on the good and evil of *policy* are as good as, if not better than, the administrator's. If their advice is not taken on the scientific order they may be discouraged in their efforts; if their advice is not courted on policy, good team work may be jeopardised.

The solution, it seems to me, is properly this. On policy there can be only one hierarchy of responsibility—it is that which passes down from the political chief through the Permanent Secretary and his administrative assistants, for theirs is precisely the education, training and status designed to make policy, that is, to weigh up *all* the technical considerations in relation to each other, and to compose

<sup>1</sup> Cf. para. 48, App. XI, *Minutes of Evidence, R.C.C.S., 1929-1931*.

a harmonious pattern of values by reference to the expediency implied in the ruling political party's notion of Justice and the Good. As to the urging of scientific considerations directly on the Minister, this is equally to be rejected. The Minister's mind may be a fresh mind, but it is a raw mind. He is in no position, normally, to appreciate the full civic value of a specialist's advice, by reference to all the invisible and inaudible technicians who would also need to be heard before the balance of advantage and disadvantage could be struck. And what of the administrative *feasibility* of a plan? Shall he be personally confronted by all the specialists? If he were, the poor man would wallow in a chaos. The Minister needs a focused white light; the experts offer a (to him) rather vague blurred spectrum. Such a spectrum is also all that is obtainable by a Board, composed of political chief, administrators, and specialists, and it is a spectrum which would only be produced at a loss of time. We can imagine the Minister waiting outside the door and asking the Permanent Secretary, "Well, after all *that*, what do you think we ought to do?" The Permanent Secretary and his assistants provide the sharply focused white light for the Minister. It is the only system under which the chaos of advice can be reduced to the order which action, that is to say, administration, vitally demands—the relevant being utilised, the rest discarded, with the maximum speed possible in view of the intrinsic toughness of the problem to be solved. Someone must do the picking and choosing, someone must be responsible for the broth, and, as in the nature of the democratic process, it can rarely be the Minister, it must be the Minister's other self, the permanent Administrator. The Specialist ought not to feel aggrieved about this, for the Administrator himself risks being discouraged by the Minister's refusal of his advice. We are all instruments in a higher social purpose. Yet, if it is the Specialist's nature to know

more and more about less and less, it is the Administrator's responsibility, on pain of being untrue to his function, to seek out perseveringly and to weigh seriously and long, the science which research discovers and the expert secretes. Nevertheless, the Specialist ought not to be denied the opportunity of promotion to the highest Administrative posts, if he can show, by experience, the qualifications for them.

### The Inspectorate

The Inspectorate includes the Inspectors of the Board of Education, the Ministry of Health (Medical, Engineering, and Poor Law), the Mines Department, Customs and Excise, Factory Inspectors and others. These are the eyes, the ears, and the executive hands of the Central Departments. Their importance in public administration is cardinal, and with every step made in extending and deepening the activity of the State, their importance will increase more than proportionately. The essence of planning is centralisation of principle and control, and the little body of men and women permanently located in Whitehall come more and more to rely, for their sense of the desirable and possible, on these personal agents who see things on the spot, learn to appreciate those subtle realities and relationships which statistical analysis cannot measure or convey, and come to conclusions by comparison of the many diverse people and institutions, all experimenting, that they inspect. They are a source of fertilisation in thought and action for Whitehall; they teach the central Administrators "the tact of things possible."

They are also and increasingly the local selves of the central Administrators, in that the smaller administrative problems and difficulties are solved by them on general instructions contained in a letter in their pockets from the Ministry. This, and the actual implementing of the written and oral



policy of the Departments, is better done by direct personal intervention than by a process of written communications between the Departments and the agencies to be administered. It will be guessed from the enumeration of the various groups of Inspectors where written communication would be *totally* ineffective—for example, the inspection of factories and workshops, or coal mines, with subsequent instructions to institute remedies as the law and regulations prescribe. Personal intervention is everywhere speedier, more appropriate because based on immediate knowledge, and altogether easier because there is a light and shade in conversation which is lacking in the stark abruptness of the written word. A smile, even if wry ; a wink, even if cunning ; a slap on the back, even if a little uncalled for—these abate acrimony, whereas writing at each other usually engenders it. The status of the Inspectorates in relation to the making of policy is almost identical with that of the Specialists—the Inspectors have become “ Specialists ” in a particular branch of the social services, and their periodical conferences with each other and their Departments in London offer the *raw material of policy, as the findings of the natural sciences do to other branches of administration*. It is beyond the purpose of this essay to enter into all the particulars of the recruitment of the Inspectors. Broadly they are all Specialists, and as such are selected by competitive interview, after some years' experience outside the Civil Service. The Ministry of Health recruits Inspectors in its Insurance Department from its own Clerical Officers, and some General Inspectors of Local Government from its Administrative and Executive classes.

### **The Administrative Class**

The analysis of the various component groups of the Civil Service, and the discussion of the position of the Specialists and Inspectorates, has left us with the

Administrative Class in the central, pivotal position. This class is the hub of the administrative wheel: on one side it is attached to the parliamentary machine, on the other to the executive arms of the Administration. To it is imparted a direction and velocity by the Minister; from it there emanates advice which has been drawn from the Specialists, the Inspectors, the recommendations of Royal Commissions, academic experts, and vocational and social representative bodies. Its advice penetrates beyond the Minister to Parliament and the public; into it, through Parliament and the Minister passes the force of public opinion, which is transmuted by it into commands to the Specialists, the Inspectors, and all the classes of the Service, in each Department, in the Local Authorities, in the Dominions and Colonies, in India and foreign countries, down to the final manipulative officer, to the end that the things politically willed shall actually be done. It is obviously the crux of the administrative side of government. As such it has naturally received and deserved much attention.

We are concerned with its duties and its preparation to fulfil them. The Administrative Class itself formulated its duties in evidence for the Tomlin Commission,<sup>1</sup> and it is reproduced in full, since incidentally it is itself a good example of the quality of the class.

*The volume of official work which calls for decisions affecting the public is nowadays such that it is physically impossible for the Minister himself to give the decision except in the most important cases. And further, even when the issue is one which can and must be submitted for the Minister's personal decision, it has to be fairly and fully presented to him so that the material facts and considerations are before him. The need for services of this kind is present in every department which has a political head.*

<sup>1</sup> Appendix VIII to Minutes of Evidence: Statement submitted by the Association of First Division Civil Servants, 1930.

There is another common feature of all work which is strictly administrative in character. It is usually described—for instance, by the Reorganisation Committee of 1920—by the somewhat general expression “the formation of policy.” What is meant is, we think, this. The business of government, if it is to be well done, calls for the steady application of long and wide views to complex problems: for the pursuit, as regards each and every subject-matter, of definite lines of action, mutually consistent, conformed to public opinion and capable of being followed continuously while conditions so permit, and of being readily adjusted when they do not. Almost any administrative decision may be expected to have consequences which will endure or emerge long after the period of office of the Government by which or under whose authority it is taken. It is the peculiar function of the Civil Service, and the special duty of the Administrative Class of that Service, in their day-to-day work to set these wider and more enduring considerations against the exigencies of the moment, in order that the Parliamentary convenience of to-day may not become the Parliamentary embarrassment of to-morrow. This is the primary justification of a permanent administrative service. Vacillation, uncertainty and inconsistency are conspicuous symptoms of bad administration. The formation of policy in this limited sense—subject always to the control of the Minister and to the supreme authority of Parliament—is typical of administrative work in all departments and in relation to all subject-matters whether of greater or of lesser importance.

All administrative work is carried out under statutory authority or, in certain fields, under the prerogative powers of the Crown. To a large extent it consists in the application to particular circumstances of general principles laid down in the statutes, or the administration of financial provision made by Parliament, in pursuance of the powers vested in the Department in that behalf. It involves necessarily the preparation or study of proposals for the alteration of the existing law in the light of changed circumstances, new policies or experience. It is indeed true that proposals for amending legislation

within the administrative sphere do, to a large extent, and perhaps mainly, emanate from Departments. The statement that these processes form an important part of the work of administration affords, however, no ground for any suggestion that the Civil Service seeks to usurp the functions of Parliament itself. The functions are essentially different.

These, we conceive, are the common characteristics of all administrative work, whatever the subject-matter. In each particular branch of that work other characteristics will also be found, but they are special to those branches. For example, in the Board of Education and Ministry of Health, the important function of maintaining good relations with the autonomous Local Authorities, while securing in general the application of those standards of local administration which Parliament desires, is a type of work which is not found in a Department like the Customs and Excise or the Admiralty. Similarly, in some branches but not in others, one of the functions of administration is the determination of policy in the light of technical advice, which has to be weighed and balanced against other non-technical considerations, such as financial conditions or the state of public opinion.

Thus the efficient performance of the administrative work of the various Departments calls in all cases for a *trained mental equipment of a high order, while in the particular case powers developed in some particular direction are needed. In some spheres, what is most wanted is judgment, savoir-faire, insight and fair-mindedness; in others, an intellectual equipment capable of the ready mastery of complex and abstruse problems in, for instance, taxation or other economic subjects, imagination and constructive ability.*

It is important to distinguish between the substance of administrative work and its form. The latter may be a memorandum, a draft regulation, an inquiry, a conference or interview, a verbal decision or instruction to a subordinate, or a minute on official papers or an official letter. The substance of it is the exercise of a sound and informed judgment upon the subject-matter in

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hand ; and this is equally true whether that judgment be final or to be submitted to higher authority.

The sentences which describe the qualities have been italicised in order to bring home their full import. And yet even the whole passage does not quite reveal all the gravity of the problem. For the men who enter this class are not merely secretarial ; they are the young shoots who may twenty years hence be Permanent Heads of the Departments or very closely associated with them. Their position in the governmental process will be not merely instrumental to, but creative of, State policy. The significance of this must at once be appreciated, though according to the plan of this essay, it is separately treated later (p. 182). If, then, such a status and service are to be the culmination of a regular career, the preparation and the continued training of the entrants are of great moment. If all that were required were any one among the qualities in the italicised passage for each individual job then, perhaps, the specific tests might be invented, though this is improbable since each quality is itself rather nebulous and composite. But the difficulty is immensely increased when we reflect that to each job several of the qualities are essential, and that, as the Administrator proceeds in his career now one and now the other, and all in various combinations, will be called upon, and this not with precise predictability. It is doubtful whether the nature of the problem has ever been considered as rationally as it deserves, but three generations of muddled development have brought us within sight of a solution.

It is clear that the subjects of study matter less than the method of study, and that the demonstration of mind is more important than the possession of information. The aim is not to recruit a departmental expert, but to discover a mind, which for capaciousness and vigour, will continually be able to master the technicalities of the job, indeed, a succession of jobs, through

promotion and transfer. At a comparatively early stage, for example, the young Administrator will be co-operating with colleagues and subordinates in sifting the information from persons and documents, that is, in deciding what is and is not important enough to go forward to the Administrator and political Heads of the Department as relevant ingredients in the making of policy. Macaulay, then, was perfectly right to look to unspecialised university studies. It is clear that the excellence of this test and to some extent of the nature of those studies, must depend on the tutorial method employed, and on the spirit and outlook of the universities. On the whole, the universities, old and young, look rather to the building of a liberal character than to the production of erudite, unpractical pedants. The finished product is to hold his learning like a gentleman, he is to be a man of the world with a well-trained mind. If there is a choice between the liberal, tolerant mind, and efficiency, then efficiency in the harsh and aggressive sense is well lost. This has accorded well with the general character of the people—indeed, it is its product—and Parliament. It has tempered the inevitable intrusions into private lives, liberty and property, which State activity implies.

As to the tutorial method, this is sufficiently different from that of other countries with similar Civil Service problems to give a special character to the British system. In the U.S.A. there are too many lectures and text books and too little individual wrestling with problems; they know more than all about it, but do not know what it is all about. In Germany a similar situation exists, except that students, not being forced to attend lectures, study very hard privately because the examinations are very severe, far severer than in American universities. So also in France, but the clarity of the language and the civilised tradition are a salvation. In these two Continental countries the tendency is to produce a highly doctrinaire type of

recruit for the Civil Service. In England, especially at the older universities, with numbers small in comparison with other countries, and with these numbers the result of a very severe competition for admission during the secondary school age, there is less lecture and textbook teaching—which is merely passive study—and much more personal contact between student and tutor. The subjects studied are not many, but they are studied deeply enough to make possible and awaken critical effort. The method is almost Socratic. In small seminars, or individually, the undergraduate brings his paper containing his own individual answer to some problem in political science, history, ethics, lingual or mathematical principle, produced by himself from books or documents recommended by his tutor. For an hour or more the effort is submitted to a ferretting, worrying, persistent examination, accompanied by suggestions to the student, recommendations of further or alternative reading, the indication of alternative solutions, and points of view, and a further spontaneous cross-examination of the student's defensive explanations. The student learns to parry—a *very* important technical accomplishment in administrative life. His whole effectiveness depends not on what he knows, but on how he can handle his knowledge to solve a problem. The tilling of his mind is exceedingly intensive. Through a subject, but only *through* it, he is learning a method and *savoir faire*. Quite unconsciously the student is preparing himself for work in administration, for it is rather like the process of holding the politician's (or his superior's) proposals for action or inaction to the touchstone of penetrating reason, so that the elements are ranged before one, to be recognised and evaluated, chosen or discarded, as the politician then desires. It is a critical mind that is being trained. As an Oxford don has recently said, "It (Oxford philosophy) affords to the future civil servant or lawyer an unrivalled training in precision

of phrase and elucidation of phraseology. Anyone who has really mastered this book (Professor Joseph's *Essays in Ancient and Modern Philosophy*) will have a mind ready to expose loose thinking and short cuts in arguments: he will in fact be a champion debunker of wordy nothings—but he will not be equipped with any understanding of the social problems of his own or Plato's world, nor will he have gained much insight into the real movements of scientific thought. He will have learnt not to understand problems, but to expose fallacies. Not one of his deep-seated prejudices or presuppositions will have been touched, though certain rationalisations of them will have been shown to contain contradictions. But he will have been armed with a *dialectical* still sufficient to destroy the arguments of everyone he may chance to meet." This is high praise mixed with criticism, and the criticism I take to be too severe. Supposing, however, this tutorial method should be applied to world history, political science, economics, sociology, to "Modern Greats" at Oxford, the Economics and History Tripos at Cambridge or a degree in Economics and Political Science elsewhere? Then, I hold, that the critical minds thus produced are of the greatest benefit to democratic government, for the politicians and the social philosophers and missionaries are only too fruitful in their proposals for reform, and the Civil Service is urgently needed as their critical assessor, even, as Graham Wallas once pointed out, as "the Second Chamber."

This brings us to the subjects of the examinations, after a discussion of which we may be able to sum up the value of the preparation for this, the highest grade of the Service. It was natural that in the middle of last century and for decades after that, Classics, Mathematics, Moral Philosophy, History and Law, which were the chief subjects of university study, should be the only subjects of the examination. But Classics, because of the foundations, and scholarships; and the



eight-century old tradition continued to bulk very large in the Administrative Examination, even when many new faculties had been established, for the men who made the recommendations to the Civil Service Commissioners had had their education a generation or two ago, and as educationists were less concerned with administration, which is serviceability, than scholarship which is the production of mind as mind. "We consider that the best qualification for a civil servant is a good natural capacity trained by a rational and consistent education from childhood to university. . . . We do not wish candidates to adapt their education to the examination; on the contrary the examination should be adapted to the chief forms of general education." <sup>1</sup> It must, of course, not be thought that the study of ancient philosophy or classical history and literature is inappropriate to the preparation of administrator's activities. *Properly taught*, they teach all sorts of social and political lessons.

Yet the Civil Service Commissioners have yielded and included in *their syllabus* no less than eighty-four subjects.<sup>2</sup> Of recent years criticism of the curriculum has centred upon the advantage in marks, given to the classical and history schools compared with political science and economics. The figures for the eleven years, 1925 to 1935, show in fact that Classics have supplied 35 out of every 100 entrants, History 25, Modern Languages 8, Economics and Politics 7, Mathematics 6, and mixed History, Languages and Literature 7. The last five years shows no appreciable change in the

<sup>1</sup> Here is another extract from the Report of the Committee on the Civil Service Class I Examination (Cmd. 8657 of 1917): "To teach the classical learning and develop classical scholarship there was at work in 1914 a great band of scholars equipped by the tradition, the organised learning, and the experience of four hundred years. . . . A large proportion of the most able students have gone in the past to classics, and we cannot alter the natural habits, the prepossessions, and the system, that have caused the most gifted among literary students to follow the ancient studies."

<sup>2</sup> See Appendix, p. 122.

proportions—Classics and History still supply well over 50 per cent. of the Administrative Class. The balance of marks has recently been more fairly redressed, and we may expect more entrants from the older and the younger universities offering these subjects. It is important to insist that it is the method of studying and learning and not the subject of information which is of moment in selection for administration. Yet there is an advantage in studying the social sciences—for there the mind is being trained and the judgment formed through the medium of causal relationships in phenomena which are the immediate background of the services to be administered. Much more could be urged in their favour—but the more conservative claim is claim enough.

We are now in a position to assess the value of the preparation and selection for the Administrative Grade. The competition is very severe, for the situations attract the most capable among the undergraduates of any year. Only a combination of extraordinarily high intelligence, intellect and character can be successful. The Civil Commissioners have devised a method to secure "that no credit be allowed for merely superficial knowledge."

We may hope that these qualities will in the future be drawn from a far wider group in the nation than is at present the case, for examination (1925 to 1936) shows that nine Oxford and Cambridge men are successful to every one from all other universities, despite the fact that they have only less than one-third the male university students. Of the Permanent Secretaries now at the head of the chief Departments almost all have arrived by way of public schools, and Oxford, Cambridge and Edinburgh. Now it may be argued that some of those who enter from the older universities will have arrived by scholarships from the public elementary schools and from municipal secondary schools. This is true : but examination of the lists

shows that even in the last six years (to 1935) some 60 per cent. of the recruits come from the public schools (especially from the few famous ones), although such schools have a total of only 15 per cent. of all the secondary school attendance in the country!<sup>1</sup> Almost all come from the comfortable middle and upper classes. These have great virtues, as anyone who knows them will gladly acknowledge. They have charm, and tact, and literary facility. They are usually incorruptible and have a high sense of public duty. They are "constitutional." They may have impenetrable social prejudices, but these are usually kept in control, and above the basic prejudice is a mind which has been taught to ask questions. They are capable of a considerable degree of *esprit de corps*. But it is questionable whether they can ever easily escape from the sense of superiority unconsciously assimilated in their country or suburban homes and public schools and colleges. They are too alien to their subordinates, perhaps insensitive to impressions from clever "outsiders," and not markedly ruthless in the exposure of incompetence in their own ranks. If their composition included the memory of misery, hunger, squalor, bureaucratic oppression, and economic insecurity, perhaps a quality would be added to their work in the highest situations which could not fail to impress the Minister at a loss for a policy or an argument. How essential it is for the State to be served by all kinds of talents and experience!

Secondly, it is urgent to remember that the education so far obtained is not the end, but only the beginning, of a man's spiritual development. They have learnt only the rudiments, and that in books and from hearsay: they enter the Service between the ages of 21 and 24. They emerge from the grey cloisters and the twilit halls, and in a few months enter the great stone buildings

<sup>1</sup> In the 1936 competition, thirty-nine out of fifty-two entrants to the Administrative Grade were of "minor" public schools and municipal secondary school origin.

for evermore. They take their eyes from the second-hand books, and open them again on the dog's-eared second-hand files. It is clear that something more than the present system is necessary for successful administration. There is direct evidence that the present system is not quite perfect. There is, first, the evidence of Sir George Murray (a very great administrator even among Victorian stars) before the Macdonnell Commission of 1914. He said :

" What I was thinking of was this : That while the men who are drawn from the Class I Examination are, I think, very good for the purposes for which they are required for the first ten, or twelve, or fifteen years of their official life, I have at times been rather disappointed at finding how few of them emerge satisfactorily from the ruck and come out as really capable heads of departments."

1958. (Chairman): " Will you just explain a little further? Is there, do you think, anything defective in the original way of selecting the first-division men, which explains the fact you mentioned of their turning out badly when they get to fifteen or twenty years' service? " Sir George Murray: " I did not wish to say that I thought they turned out badly as a body, but merely that I should have expected that more of them would have been better qualified for the best places that were open to them. But I do not think that anything you could do in prescribing the subjects for examination or in making any change in the methods of appointment, could possibly affect that."

The comment made upon this by the Committee on the Class I Examination was (para. 13, pp. 10 and 11): " If among those selected by open competition there are not always to be found a sufficient number who, after many years of service, are, by virtue of their initiative, force of character, freshness of mind, and constructive ability, fit for the highest posts, the fault may lie in the system of training after entry, and in the conditions of subordinate service ; it need not lie with the competitive system."

Before the Tomlin Commission of 1929 most Heads of Departments argued that the entrants might do in their raw state for other Departments, but that for *theirs* some previous administrative experience was desirable. Sir Warren Fisher said that some of the Heads of Departments came to him about their recruits, "some censorious and some purring like cats."

The remedy lies in three measures. The first is to make the two years' period of *probation* a real testing time, so that official and Department may sever connections if they are not suited, and at the same time, a *training* period. This was, in part, the intention of the Reorganisation Committee of 1920. It said: "Men and women so recruited should be regarded as a Cadet Corps from which selection should be made to higher administrative posts. . . ." In 1935 an able American investigator asserted<sup>1</sup> that the weaknesses of this class were:

"(1) the lack of knowledge and appreciation on the part of administrators of the affairs of the outside world except in so far as they pertain to their work. (2) the lack of knowledge of the activities and policies of the departments of government, other than those in which they serve, and (3) the failure to consider public administration as a science with a body of fundamental principles, and the insistence on treating it as an art or mystery revealed only to those who have followed the initiatory rite through which they have passed, or alternatively as a faculty inborn, which is denied to all who are not blessed with it at birth. There are notable exceptions, but this indictment may safely be brought against the great mass of the members of the class. It is submitted that the principal reason for it is lack of proper training, although facilities for it are readily available."

As we have seen, the Treasury does demand a period of service in other Departments before it chooses its

<sup>1</sup> Harvey Walker, *Training Public Employees in Great Britain*, p. 13.

own recruits. The Ministry of Health initiates its recruits into the organisation of the Department for some weeks. The Ministry of Labour sends its recruits for a six months' tour of duty to provincial offices, after two years' service. The Colonial Office sends its officers for a two-year tour of duty to a Colony or Dominion, after some years of service. The Foreign Office and Diplomatic Service were amalgamated in 1919 partly in order to secure a circulation of men from London abroad and back to London, so that first-hand knowledge might flow in. It is more than ever important as the omnipotent hands of the State stretch out towards all of us that civil servants shall early be fitted for their specific tasks, and that they shall get to know the public, as living individuals, even if only for a short time. It is an effective way of helping a Civil Service from degenerating into a bureaucracy. The Administrative Class itself is emphatic on this question. "We consider it important that the probationary period (normally of two years) should be rigidly enforced and that the officers should be discharged before or at the end of that period unless it is reasonably certain that they will become efficient administrators. In the absence of this certainty their retention is not only opposed to the interests of the public service, but it is a mistaken kindness to retain in the Service a man who is unlikely to be fitted for promotion and may subsequently have to be discharged on the ground of inefficiency at an age when it is much harder for him to obtain other employment." (*Statement*, p. 17).

After such a period of training (but usually only after undirected perambulations about the building), the civil servant enters into the long spell of forty years hard labour in the office. How shall he be kept alive and inventive? There is a serious chance of slavery to routine, the loss of inspiration and inventiveness, the falling into a deep, long groove. Sir S. H. Wilson,

Permanent Under-Secretary of State for the Colonies, expressed his doubts to the Royal Commission of 1929 (Q. 20981) in these words :

“ I picture to myself a man going into the Civil Service at the age of 22 or 23, or whatever the age is, coming from the university, passing the examination, and sentenced for the rest of his life to live in Whitehall, and to come up by train every morning from Woking and go home at the same time every evening, always seeing the same people, always dealing with the same work. I think it requires very little imagination to realise what that man must become after about twenty or twenty-five years, if he does not see more of the world. I think it is wonderful that they are as good as they are.”

Of course, natural emulation among colleagues and the motive force of promotion stimulate administrative virility, and so does love of the job itself. There is the refreshing effect of attachment as private secretary to Ministers and even Prime Ministers, and as secretary to Departmental Committees and Royal Commissions, a post which involves the planning and management of the enquiry, the scrutiny, analysis and marshalling of evidence, presence at the examination of witnesses, and discussions between the members, and the drafting of the Report. Nor, nowadays, as distinct from years ago, can the educative effect of many personal contacts with local authorities, foreign representatives, deputations from social and industrial associations, and clamorous or helpless individuals be dismissed as potent factors in bringing the fresh breezes of real life along the interminable corridors of Whitehall and through the baize doors.

Yet there is a curiously muted and aloof air about the official life. We shall see later that it is wrapped in blankets, financial and otherwise, manufactured from the very stuff of State administration. Some artificially organised stimuli are essential: if the boisterous, dangerous storms of the independent business man's

existence are excluded, then deliberate " air-conditioning " must be substituted. The Report of 1853 clearly recognises what was being lost when the sheltered occupation with security of tenure was to be the consequence of successfully passing an examination. Outside professions, " supply a corrective which is wanting in the Civil Service, for as a man's success in them depends upon his obtaining and retaining the confidence of the public, and as he is exposed to a sharp competition on the part of his contemporaries, those only can maintain a fair position who possess the requisite amount of ability and industry for the proper discharge of their duties. The able and energetic rise to the top ; the dull and inefficient remain at the bottom . . . their course is one of quiet, and generally of secluded, performance of routine duties, and they consequently have but limited opportunities of acquiring that varied experience of life which is so important to the development of character."

That is, *competition* ceases, the ruthless, pitiless competition of private business, which drives men out of business and a livelihood unless they can master themselves, their environment, sufficient science, and their colleagues and clients, and sell their services or goods to those who want them or have been persuaded that they need them.

One such stimulus would be to give them a year of work (out of the two years' probation) divided between six months with the local authorities, and six months in a foreign country or countries. Let them learn that life goes on outside their Departments, and not by their grace ; that people can be different without being cranks ; that there are alternative principles entirely to those upon which life in their class and nation are organised ; and it may be that the true inward value (or valuelessness) of their own civilisation and function will become the more evident after comparison and reflection. They might be asked to report upon the



foreign treatment of some subject falling within their own Department. Once in the Department, the administrators should receive six months' leave with full pay, for study abroad, every seven years or so. Then, from the age of 35 onwards they should take part in the training arrangements of the subordinate grades, in the hope that they might, in teaching them, learn something about themselves.

Finally, as the Tomlin Commission remarked, great care must be taken not to appoint too many cadets in comparison with the number of higher situations, for to do that, as the First Division Association testified, was to condemn energetic capable men to the perdition of repeating themselves *ad nauseam*! Up to 1934, only one-third at the age of 34 could rise to Principal, one-third to Assistant Secretary at 45, one-fifth to Principal Assistant Secretary, one-seventh to Deputy Secretary, and one-seventh to Secretary, about the age of 48 if at all.

It should be emphasised that the forces which favour the recruits to the Administrative Class who come from public schools, and particularly the "Big Fourteen," *persist in promotions to the highest positions.*

### The Viva Voce Test

One more thing needs discussion: the interview which forms a substantial part of the Administrative Class Examination. This was established in 1917 on the recommendation of the Committee on Class I Examination, which said:

"A Royal Commission expressed a cautious inclination towards a viva voce examination, but made no definite recommendation. The Consultative Committee appointed by the Board of Education on Scholarships for Higher Education in their report, 1917 (Cd. 8291) say that there should be a viva voce examination.<sup>1</sup> On this point, as

<sup>1</sup> Actually they were concerned with the selection of candidates for scholarships, and not with the choice of administrators.

on almost every point of our report, we are unanimous. We believe that qualities may be shown in a *viva voce* examination which cannot be tested by a written examination, and that those qualities should be useful to public servants. It is sometimes urged that a candidate, otherwise well qualified, may be prevented by nervousness from doing himself justice *viva voce*. We are not sure that such lack of nervous control is not in itself a serious defect, nor that the presence of mind and nervous equipoise which enables a candidate to marshal all his resources in such conditions is not a valuable quality. Further, there are undoubtedly some candidates who can never do themselves justice in written examinations, just as there are others who under the excitement of written competition do better than on ordinary occasions. . . . We consider that the *viva voce* can be made a test of the candidate's alertness, intelligence and intellectual outlook, and as such is better than any other. . . . We consider that the *viva voce* examination should not be in matters of academic study, but in matters of general interest, in which every young man should have something to say."

The Civil Service Commissioners not only supported this reasoning, but vindicated the actual proportion of the marks assigned to the interview. As subjects to the value of 1,000 marks must be offered from the numerous options, and all candidates must in addition thereto take an Essay Paper carrying 100 marks, English 100, Present-Day Knowledge 100, Everyday Science, 100, and an Auxiliary Language 100, while the Interview carries 300 marks, the latter was no less than one-sixth of the total marks for the whole examination. It is an important proportion, and it has had the effect of greatly altering the position of many candidates on the list as settled by the written examination. "For the candidates for the Home Competition in the Administrative Group competition of 1928, seven owed their place in the first thirty to their *viva voce* marks; in the 1929 competition the corresponding number was

four.”<sup>1</sup> This excessive proportion of marks to the total obtained until the 1937 examination, when the Commissioners’ regulations announced an *increase* from 300 out of 1,800 to 300 out of 1,300! But we deal first with the experience of the viva down to 1936, and this will show how serious is the Commissioners’ new step.

The character of the interview was amply discussed before the Tomlin Commission. The Board consists of certain distinguished figures in university education, education, and some retired civil servants. Its business is not to place people by their excellence in discussion of a “subject,” but to place them for “alertness,” “intelligence and general outlook,” clearly a subtle and laborious task, if it is taken seriously. In fact, the interview lasts about a quarter of an hour; it occurs usually before the examination, since there are many candidates; it is therefore not based on the subject-matter of the examination. In form, it is a desultory conversation, indefinite and almost void<sup>2</sup> regarding the scholastic career and the social interests and activities of the candidate. Nothing much is tested by it, and hardly the qualities mentioned in the regulations. In fact, the college tutors’ testimonials play a considerable part in the result.<sup>3</sup> Further, the method does not make sure of retaining the good, or of getting rid of the bad.

Now a test of this kind lends itself too readily to the suspicion that qualities other than those appropriate to the Service have undue weight. At any rate, two tests of the figures and methods make clear the untrustworthiness of the test. An analysis of results from 1924 to 1929 shows that “on the average when a candidate submits himself for the viva voce test, there are forty marks which may be added to or subtracted from the true measure of his personal equation, and these forty marks will be added or subtracted in a

<sup>1</sup> Tomlin Commission, *Evidence*, p. 60, para. 19.

<sup>2</sup> *Ibid.*, Question 1419.

<sup>3</sup> *Ibid.*, Question 1375.

haphazard manner. But the viva voce test on which is awarded 300 marks maximum, lasting perhaps fifteen minutes, and carrying with it the random plus or minus forty marks may be altogether decisive. That this is the case may be seen from a consideration of results in recent years. . . . This element of chance may actually operate in the same way as if a candidate's fate were being decided by the tossing of a coin or the throw of a dice."<sup>1</sup>

A more serious reflection on the system emerges from the investigation undertaken by the International Institute Examinations Enquiry.<sup>2</sup> This body established a replica of the Civil Service viva voce examination. It offered prizes of £100 as the inducement to the usual type of candidate to submit himself under the same conditions and before the same interviewers for the viva. In order to secure a control, the candidates appeared before two *different* boards of interview, and besides a record of the mark awarded by the board after consultation being made, each examiner on each board made his own mark before the consultation. For the same candidates, but by the different boards, differences of as many as 92 and 70 marks were shown in extreme cases. The average difference was 37 marks. "These extreme differences . . . amounting to 20 to 30 marks out of 100, and the average difference of about 12 marks out of 100, point to the unreliability of the interview test, and indicate the great influence that this test might have in the final placing of a candidate in a Civil Service examination . . . we must conclude that the different influences of the Boards have been sufficient in this case to mask the common influence of the same set of candidates." This was further borne out by comparison of the marks awarded by individual examiners, which varied very much, but less so than the common results obtained by the boards as such.

<sup>1</sup> *Public Administration*, April 1930, 231-6.

<sup>2</sup> *Examination of Examinations*, Macmillan, 1936.

One candidate put first by a board was put thirteenth by the other, another put seventh by the first board was put eleventh by the second, and so on. "These results show definitely that the evidence on which the examiners could judge the candidate was different in the two cases, that is, that the two interviews were so differently conducted that we might almost suppose different candidates to have been examined."

This nebulosity of result is not difficult to explain. There is a great difference between the private business interview and the Civil Service *viva*. In the former, the employer knows in great detail, and from reality, the nature of the actual job to be filled, and capacity to fill it is preferred to adventitious qualities which may be engaging but unprofitable. The Civil Service Board of Interview do not know the exact nature of the situation, although that they should have been required in the case of the Colonial Service, by the inclusion of interviewers who have been to the Colonies! If anything at all is in their consciousness it is a very vague picture, indeed, and it can hardly be a kinetic one, that is, include the possibility of development to meet greater responsibilities in the years to come. They will never see, and certainly will not lose money by, a mistake, and so they are more likely to be influenced by superficial characteristics. A "nice" boy, with engaging manners and a pleasant accent, has a greater chance of having his relevant qualities assessed excessively than the rough diamond has of securing arithmetical justice.

Certainly the evidence before the Tomlin Commission destroyed any possible belief in the accuracy of the present interview. On the whole, that evidence would lead to these conclusions. All desire an interview as a necessary adjunct to a written examination, on the ground that there are qualities of character and behaviour essential in personal intercourse, in the giving and receipt of commands and advice, which may not

be tested by written examinations, and which can only be revealed by personal interview. All desired that the *viva* should be a really probing test of serviceability and not of personal or class qualities. Many were afraid of the possibility of a charge of political unfairness if the test were made into a preliminary eliminating test, designed to admit and exclude altogether from the examination. All recognised the possibility of serious error in the test of the interview, and some admit that mistakes have been made. In spite of this dubious applause, the Tomlin Report (pp. 69-71) expresses its general satisfaction with it, avers that the choice of the interviewers needs great care, exonerates the interview from the charge of class prejudice—and passes on!

If we really care about the efficiency of the Civil Service as an instrument of government, rather than as a heaven-sent opportunity to find careers for our brilliant students, these principles should be adopted. The interview should last at least an half an hour on each of two separate occasions. It should be almost entirely devoted to a discussion ranging over the *academic interests of the candidate as shown in his examination syllabus*, and a short verbal report could be required on such a subject, the scope of which would be announced at the interview. As now, the interview should be a supplementary test and not a decisive selective test. The interviewing board should include a business administrator and a university administrator. The interview should come after, and not before the written examination, and if this means some inconvenience to candidates and examiners, then they must remember that they are helping to select the government of a great State, and a little inconvenience is not to be weighed against such a public duty. The tutors' reports should not be consulted until the interview stage has been concluded and marked. More weight might be justifiably accorded such reports if the reporting tutors from various colleges and

universities met to determine a common policy of self-restraint in hymning their students' virtues. Finally, since the arbitrary will still prevails it ought to be limited by the reduction of the interview marks maximum from 300 to 150.

It is deplorable, and utterly amazing, to find that on the recent revision of marks<sup>1</sup> of the various subjects of the written examination, the Civil Service Commissioners not only missed the opportunity to make this reduction in the weight of the interview, but for some unannounced reason actually increased it! For the various subjects the maximum was reduced to 700; to this is added 100 for an Essay, 100 for English, and 100 for Present-Day Knowledge, and 300 for the *viva*.

The *viva* used to be 300 out of 1,800: it is now 300 out of 1,300. The results of three or four years' work, culminating in and tested by the written examination, are to be more than ever the sport of an interview conducted as we have explained! This reflection is not brightened by the changed formula for the *viva*. "The object of the interview is to enable the Board to assess his suitability for each of the Services for which he is entered, and in framing their assessment the Board will attach particular importance to his intelligence and alertness, his vigour and strength of character, and his potential qualities of leadership," grateful as we must be for the recognition of the need for defining the job and the qualities in this way. The important terms in the definition do show an advance, in that it is now recognised that the Board is searching administrators, that is to say, for men and women, who can not only think and argue and write, but also devise, act and lead.

The reforms proposed in the method of recruitment of the Administrative Grade will cost money and convenience. But the bare cost ought not to be an obstacle. The criterion is the relationship between that cost and

<sup>1</sup> Cf. Regulations for Admission, 1937. *Civil Service Commission*, Burlington House, W.

the improvement in the quality and dynamic force of that body of civil servants upon whom, more than any other, the welfare of the State depends, particularly as the State increases its activity.

Since the war a happy policy of promotion from the subordinate classes of the Service into the Administrative Class has been pursued. The Reorganisation Committee recommended this, saying, "Our view is that the class should be open to all men and women already employed in the Service who show early proof of real ability and promise of being able to discharge, in course of time, higher administrative functions. In order to meet such cases, we recommend that a Central Authority should be established to investigate and decide on the qualifications of candidates recommended by the Heads of their respective Departments, and that it should be an instruction to Heads of Departments to submit to this Authority from time to time the names of young men and women having, in their judgment, the necessary qualifications for admission to the Administrative Class."

Sir Arthur Flynn, himself promoted to one of the highest posts, has said: "Many years ago I confidently estimated that half the upper posts could be satisfactorily filled by promotion from the ranks. After going through my career, my less confident estimate was 'considerably more than half,' but that the half could not be exceeded without a risk of finding too few men equal to the topmost ranks."<sup>1</sup> As we have already remarked, the inequalities of wealth in our Society virtually doom much native talent to inferior work, but artificially keep open the way for inferior minds to superior responsibilities and emoluments. Some recent writers on the Foreign Office feel uncomfortable about the good material which has to remain in the subordinate ranks.

Between 1923 and 1935 inclusive, the appointments

<sup>1</sup> *The Problems of the Civil Service*, 1928.



to the Administrative Class were 82 by promotions and 278 by competition, and some of the entrants were cases of competition of people already in the Service. This is an encouragement to the Executive and Clerical Classes, although the chances of such promotion are still very small compared with the many thousands in those classes, and it is a stimulus, by rivalry, to those who enter from the universities.

### **The Foreign and Diplomatic Service**

This branch is of such importance that it deserves some extra attention.

The Foreign and Diplomatic Service represents this country abroad, conducts negotiations with other countries, and is responsible for informing the Foreign Secretary about the character and opinion and the political ambitions of other countries. The principal qualifications evidently are a very high intellectual capacity combined with sound judgment of personal and social situations, a knowledge of languages, a catholicity of social origin in order to secure public confidence for them in their own country, and to make it possible to fit the particular milieu of particular countries.

Yet it is here that aristocratic and upper class domination of government was challenged last, and affected least, though at present there exists a regime capable of easy conversion into a service appropriate to our times. Until 1880 the Diplomatic Service was recruited by a merely "qualifying test"; otherwise there was no limit to the patronage of the Foreign Secretary. In 1880 a system of "limited competition" was introduced, and it operated until 1919. Candidates could not sit for the examination unless they were "known to the Secretary of State" or were "recommended to him by men of standing and position on whose judgment he could rely and who themselves knew the candidate personally." The next stage was

acceptance by a Board of Selection. And finally, a condition of nomination was the possession by the candidates of a private income of not less than £400 a year. It is true that the Board did not require indubitable proof that the money was actually possessed, and so persons otherwise suitable for the Service were admitted. But the whole system favoured, and was deliberately designed to favour, a special social class. The Macdonnell Commission of 1912 was not satisfied that the Service was organised or recruited to the national advantage. This judgment applied to the personnel of the Foreign Office, also, although that had begun the practice of "limited" competition in 1857. There was hardly any transfer from one service to the other, so that the experience of diplomatic servants abroad had no direct vivifying influence on the spirit and policies of the home service. Those abroad were paid very little, and began their service without pay at all. The Macdonnell Commission recommended the extinction of some of these traditional abuses. It maintained the emphasis on foreign languages, but substituted the syllabus of the Administrative Class examination for the subjects and standard hitherto required by the Foreign Office. The stage of being known or recommended to the Foreign Secretary was to be abolished. The requirement of an income of £400 was to be discarded, and adequate salaries provided.

Consequently, the system of recruitment is as follows. Candidates appear before a Board of Selection which selects those who possess "suitable qualifications for entry into the Foreign Office or Diplomatic Service." Only these may compete at the examination. This may be taken between the ages of 21 and 25. The subjects are practically the same as those for the Administrative Class, but the maximum is 2,000 marks, with especially high marks for French, German and Russian, and while in the Home Civil Service the *viva* marks are 300 out

of a total of 1,300, in this examination they are 400. Candidates are compelled to take Modern European History, and either General Economics or Elementary Economics, and French and German. In the former subject they are expected to reach a high standard of qualification. In the two languages there are difficult conversational tests. It must therefore be realised that two languages can bring a maximum of 500 marks, the *viva* 400, the general subjects 300, History 200, Economics 200, and yet one must still be proficient in one or other of the university schools to make up the total.

Thus there is no "open" competition in this branch of the Civil Service. It is true that anybody of the right age may appear before the Board. Yet the numbers who do are in fact small, and small because as those who served in the Foreign Office admit and (for a variety of reasons) sometimes deplore, potential candidates believe that they would be excluded, if not directly then indirectly, on class grounds. The Board is composed of high officials of the Foreign Office, one representative of the Civil Service Commission and one of the Defence Services, or Members of Parliament of the various parties.

The misgivings of potential candidates seem to be justified, however sincerely the Board acts, for a glance at the statistical analysis made by Mr. Nightingale<sup>1</sup> up to the year 1929, and continued by my own researches, is enough to show that the Service is the preserve of the aristocracy and the highly paid professional classes. From 1851 to 1929, 53 per cent. of those in the Service belonged to the aristocracy or the gentry. Twenty-two per cent. were sons of professional men, only 4 per cent. came from business families, 17 per cent. were sons of those already in the Civil Service, whether Foreign or Home. As to their education, all came from the greater

<sup>1</sup> *The Personnel of the Foreign and Diplomatic Service*, Fabian Society Tract.

or lesser public schools, a small percentage being privately educated, and over half of all of them came from the eleven most exclusive public schools. One third of all of them emanated from Eton. Ninety per cent. of those having a higher education went to Oxford or Cambridge, three people went to Edinburgh and seven to Irish universities. The English universities are otherwise unrepresented, whether London or provincial. *But only about one-half of all the entrants had a university education at all.* This is because until 1919 the examination placed the greatest emphasis on languages, while the other subjects were make-weights, and the former could be learned best in foreign *pensions*, and the latter at a crammer's rooms. The changes of 1919 have as yet made no difference to the choice of people with a public school origin : one-third still come from Eton and Harrow and the rest mainly from the great public schools, and few, if any, from others. In the matter of university education, however, the reform of 1919 has had a remarkable effect. Whereas, before 1919, more than 50 per cent. had no university education, since then only one in thirty-one to 1929, and two (Etonians) in fifty since then, have not been to a university. Naturally (how extraordinary it is in the fourth decade of the twentieth century in democratic England to say "naturally" without the slightest hitch or bitterness!), naturally, the universities are without exception worth mention, Oxford and Cambridge.

The Foreign and Diplomatic Service, then, is selected, *through the operation of the Board of Selection, and the viva* from the few thousand families at the fine point of the long apex of the English income pyramid.

The question is whether this matters. It certainly matters to those who are patriotic and able and desirous of entering the Service. Only if the welfare of the country depended in the most marked degree upon the peculiarities of this method of recruitment could there be

any justification for denying to fellow-citizens the satisfaction of a career open to the talents in a Department comprising some 200 civil posts in the Administrative Class, amply paid, and with prospects of interesting and enjoyable work. But it is at least probable that the welfare of the country does not depend in a special degree upon these peculiarities. The value of a Foreign and Diplomatic Service stands somewhere between the almightiness of persuasion and argument and concessions obtained simply by the appropriate expression in a pair of *beaux yeux*, and purely automatic registration of a national power so overwhelming that whatever a Foreign Secretary should choose to demand from another country would be surrendered regardless of the method of approach. Diplomatic relations depend on an equilibrium of material and spiritual forces; stupidity, ignorance, moral weakness, can dissipate all the strength usually deriving from the former, while ability to make friends, moral stature, inspiring vision, may increase the weight of one's own material power or diminish the effect of a potential opponent's. Much, therefore, must, and does, depend on the men who represent their country abroad, who convert the cold intellectual perception of its power into a dynamic entity called "prestige," and who can apprehend and transmit home the moral impact of the country to which they are accredited. And I think especially of the younger men who do the everyday work, besides preparing for the greater tasks of ambassadorship later on. (The Service often looks outside the Department altogether for its ambassadors. That ought not to be necessary.)

Given, then, that the Service is not merely instrumental, but is creative, its present mode of recruitment must be regarded as decidedly imperfect. It is not enough to make good physique an unconditional qualification, because, as the Regulations say, officers may be called upon at a moment's notice to serve in

any climate. The mind and character which can serve in any mental climate usefully are infinitely more important. There may have been something to say for recruitment from a social caste before the war. The policy of the balance of power between national States which were still dressed in all the trappings of gilded monarchy, and were politically and socially far from democratic, may have required the scions of a caste to represent this country. Perhaps the most ruthless bargainers for their own country are the upper classes—for the more they yield of their country's, the more of their own they may yield. But that era is over. The world is in flux, and there are statesmen who mean to keep it in flux, even by the calculated policy of wholesale killing. It is a vastly different world, and it is one that needs understanding, in its ideals and its economics; and it requires assessment through a highly equipped historical sense. It is a world, also, where novel adjustments of long-possessed privileges and sustained grudges must come about. It is one in which the working masses, with liberal ideals, looking to equality and fraternity, are about to come of age politically. We need the knowledge of these conditions, *within nations and between nations, as they develop*. There can be no reliance on the intelligence, shrewdness and powers of observation, of a few from the highest social groups only. They are themselves, and cannot possibly be a mirror of all England. And, therefore, this method of "limited competition" is arbitrary, and not in the national interests.

Has Russia been properly understood and treated by us? There ~~was~~ was a time when a very high official said he could not bring himself to shake hands with a Bolshevik! Is the Foreign Office, can it be, of republican sympathies? Can it even be neutral in regard to what a part of the Press terms "the Reds"? Can its intelligence throw aside its class consciousness, and see the Fascist countries for what they are? Their capacity

in these respects is seriously to be doubted. To ask for the habitual neutrality of the Civil Service in the Foreign Office as it is now constituted, is to ask too much. The art of diplomacy is to provide the nation with what it needs without asking it to pay £1,500,000,000 for arms. This the Foreign and Diplomatic Service of our own day has distinctly not been able to do, and the inability has not been wholly in the circumstances, but in its handling of them.

The lines of reform are clear. There should be *open* competition. The *viva* would, no doubt, take care of those whose personality unfitted them for their coming tasks. There should be a fusion of the Foreign and Diplomatic Service with the Consular Service,<sup>1</sup> so that the time of the former should be more adequately filled, and the economic factor given its right importance. It would be a proper thing to guard against the intrusion of a Roman Catholic point of view. There should, of course, be no bias of any kind in the Civil Service, and it goes against the grain to have to propose any exclusion on the grounds of creed ; but in the Report on the Gregory Case the Tribunal laid down the principle that a civil servant is not to " put himself in a position where his duty and his interests conflict," and though they were then concerned with financial transactions, the principle stands good about any cause of dereliction from single-minded duty. It is a fact that the higher branches of the Foreign Service are of no little influence in the determination of policy, if only because the Cabinet and the Foreign Secretary are peculiarly dependent for information on the specialists. Will a Catholic mind be entirely unbiased in its assessment

\* The Consular Service is a separate service under the Foreign Office as employer, but under the Department of Overseas Trade (Foreign Office-cum-Board of Trade) for general commercial policy. Recruitment is almost identical to the Foreign and Diplomatic Service, excepting that only one language, French, is compulsory. In 1936, of thirteen successful candidates eleven were from public schools and six from Oxford and five from Cambridge.

of information about a Catholic country? But England is not a Catholic country, nor does it pursue the traditional domestic policy of the Catholic Church in political organisation, purpose and method. Further, great care should be taken to exclude from the highest posts relatives by blood or marriage. It is urgent to have as many entirely independent sources of information and opinion. Finally, in spite of the Cabinet decision of April 1936<sup>1</sup> not to admit women to the Diplomatic Service, on the grounds that they would be repugnant to the habits and customs of many countries, there is everything to be said for admission either for an experimental period or for good. It is difficult to believe that the Baldwin Cabinet's decision was based on anything else but prejudice, the inveterate prejudice which kept women typists out of the Foreign Office for longer than anywhere else, and which maintains the social exclusiveness of the Service at present.

### The Indian Civil Service

The Indian Civil Service comprises about 1,050 persons, excluding Burma. Their task is remarkably intricate and important, and, in most cases, of a character much different from that of the Home Civil Service. They do more than administer, they actually govern, the lives and destinies of 300,000,000 souls. They constitute a carefully selected and an almost unlimited oligarchy. They supply the Indian Provinces with Governors, with the equivalent of Ministers of State, Chancellors of the Exchequer, and many judges from the inferior courts up to the High Court. Then there are the local Commissioners and Magistrates who act rather like the prefects in Continental countries, exercising a tutelage over the work of the police, public health, education, irrigation and the many other departments of government. So also in the Central

<sup>1</sup> Cf. *Documents on Admission of Women to the Diplomatic and Consular Services*, Cmd. 5166, 1936.



Government, there is a constellation of civil servants in full government control, for hitherto the system of election has not provided India with Ministers. If one can imagine the work of a Minister and a Permanent Official combined in the function of one person, that would represent fairly well the position of Indian civil servants, although, of course, the importance of their governmental activity varies with their status.

Remuneration and promotion are naturally far superior to the Home Civil Service. The commencing salary is £540 a year, and a salary of £1,300 is attained in seven or eight years. It then rises by annual increments of £90 to £2,385. At this point, or at the completion of 21 years' service, retirement is permissible with an annuity of £1,000. Those who continue service may go on until the age of 60, with every prospect of rising to exceedingly high positions. There is yet another alternative: early retirement on a pension according to the length of service. There is a generous measure of annual leave.

Yet, recently, heroic measures have been required to attract sufficient recruits, and it is far too early to say whether the remedies applied will, as before the war, bring in the quality necessary for the welfare of the Indian people. Until 1936, the system of recruitment was competitive, based on the examination for the Administrative Class of the Home Civil Service. Since 1924, this had been held in London and Delhi. The London competition was open to all, whereas only those resident in India were allowed to compete in Delhi. As part of the progress towards Indian self-government, Indians had been given the assurance of appointment in the ratio of one Indian to one non-Indian. To ensure this, the number of vacancies available for the Delhi competition was determined by deducting the number of Indians recruited in London from the number of Europeans. This system broke down, for Indian students thronged to London, and

simultaneously the number of non-Indian candidates diminished disastrously. Between 1929 and 1935 there were only 98 suitable non-Indian candidates compared with 174 required. The Delhi examination, the residue, therefore became a farce.

The reasons for this unfortunate decline, not only in numbers, for the quality degenerated also, are only too obvious. Since the war, the outlook for British rule in India has been uncertain and unpromising. Frequent political upheavals dispelled the old paternal traditions of government (and it must be admitted that filial respect was not always gladly given), and the pro-consular prestige which had engendered a sense of devoted service in the officials began to fade. The Service lost many of the old type by retirement, who, in England loudly lamented past times, and kept young men away from the Service by crying, Ichabod! Since 1929, in particular, the threat of the complete Indianisation of the Government has constantly hovered in the air, as Royal Commissions and Round Table Conferences loudly hammered out the New Constitution.

Further, the London examination was far the more attractive to the Indians, for in Delhi, the principle of free competition was modified, to secure representation for certain communal minorities, while successful candidates were compelled to spend two years of probation in the British Isles, instead of one only, like their friends who took the London examination. Difficulties were aggravated when the Colonial Service, reorganised in 1931, absorbed many Englishmen who would have been very suitable for India.

Faced with these difficulties, the India Office, acting on a report of a Departmental Committee, changed the system of recruitment. The number of Indian appointments in London is strictly limited. Candidates must be resident for two academic years in the United Kingdom, and possess an honours degree of a British university (these provisions come fully into force in

1939). At the same time, if the number of Europeans who succeed in attaining a minimum standard in the examination held in London falls below the requirements, the Secretary of State appoints to the vacancies without a competitive examination suitable holders of good honours degrees at an approved university. Any Indian deficiency is made up by increasing the number of vacancies for the Delhi examination. The probation period of those appointed from Delhi is reduced to one year. The higher age limit of candidates is uniformly 24.

The results of this change, as observed in 1936, were as hoped for: the contraction of the flow of British candidates was reversed. In the year 1936, 145 Europeans and 248 Indians presented themselves for the London examination, while no less than 264 honours graduates applied for selection. The change was the inevitable consequence of having to maintain, in changing circumstances, the constant fifty to fifty ratio between Indians and Europeans in the Service. It is not improper to set aside written competitive tests to meet an emergency, provided the substitute is administered with rigorous sincerity. Whether the men chosen under this system prove to be as good as those recruited in the past—we should of course strive for even better—only the next twenty years' experience can tell.

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### The Colonial Civil Service

The British Colonial Empire includes over 50,000,000 subjects in no less than fifty different governments, in societies widely divergent in economic, political and cultural development. Some areas are partly self-governing, and others are wholly under the rule of British officials. One cannot, therefore, speak of the Colonial Civil Service as a unit in the sense of the Home, or even of the Indian, Civil Service.

In recent years the demand for an adequate supply of

capable officials to administer the growing services of the various colonial governments has increased in urgency. The forces of the Industrial Revolution are gradually but irresistibly permeating the colonies, upsetting old customs, and creating new problems which the natives themselves are as incapable of solving as they are of preventing their emergence. Between 1909 and 1929, the total staffs of the colonial governments rose from 93,280 to 220,770, including those recruited in the territories concerned. Every year, normally, over 1,000 British recruits join the Colonial Service.

The methods of recruitment are four. There is competitive examination under the Civil Service Commissioners. This applies only to a very few territories, of which Ceylon is the most important. Secondly, a governor of the colony is free to appoint whom he pleases to offices the initial salary of which is below £200; and those between £200 and £400 need the consent of the Secretary of State, which is rarely withheld. Thirdly, there is selection by the Crown Agents for the Colonies. This is used for appointments of a technical character, mainly on a temporary basis.

The fourth, and most important, method of appointment was reorganised in 1931 on the basis of recommendations made by the Committee on Recruitment for the Colonial Service, presided over by Sir Warren Fisher. Up to 1931, permanent and pensionable administrative posts were filled by the Private Secretary (Appointments) to the Secretary of State for the Colonies, with "advice and assistance from the specialist Advisers at the Colonial Office, from men of eminence in the various professions, and from senior colonial officials who may be on leave or recently retired."<sup>1</sup> The Secretary of State then gave his formal approval. Other Government Departments assisted by recommending appointments in their particular spheres

<sup>1</sup> Report, *Committee on Appointment in the Colonial Office and Colonial Services*, Cmd. 3554, 1930.

of activity (for example, the Post Office for post and telegraph personnel).

The Committee paid a warm tribute to the work of the official, who for many years had been the private secretary concerned with appointments. But it felt that a system of plain patronage could not theoretically be defended, for there was no institutional guarantee that future Appointment Secretaries would fulfil their task so unobjectionably. They recommended that the existing arrangements be replaced by a system of recruitment at once more authoritative and more independent. They were unable to recommend that it should be written competitive examination. They considered this clearly unsuitable for a variety of reasons, which we shall make plain later. They recommended that the Appointments Branch be made a normal part of the Personnel Division of the Colonial Office. This would be responsible for liaison with sources of recruitment and the preliminary sifting of candidates, and submitting a short list for final selection to an independent board. The final selection is now made, therefore (as they recommended) by the Colonial Service Appointments Board, consisting of three persons nominated by the Civil Service Commission, of whom one must have had recent practical experience in the Colonial Service. The appointments of these selections are then made on the authority of the Secretary of State. In order to secure the semblance of a united Service with a characteristic common ethos, steps were taken in 1932 to secure more uniformity in salary scales and Service conditions, and better prospects of transfer of higher grade servants from one colony to another. A special Promotions Board presided over by the Permanent Under-Secretary or his deputy, and calling in Heads of Departments or specialist advisers as occasion demands, deals with this work.

The system of competitive interview was preferred to written competition, because of the view taken of the

qualities required in colonial administrators. The Fisher Committee said, "The special needs are a liberal education, a just and flexible mind, common sense and a high character, and there is no calculus by which these endowments can be accurately assessed." Without any intention of insult, it may be observed that no demand is made for extraordinary qualities of brain. Nor does it seem wise to reject altogether a written examination, which with proper safeguards, is some calculus, for personal appreciation, which must surely throw overboard practically every element of accurate measurement. The figures show an overwhelming preponderance in the non-technical grades of the Service of graduates of Oxford and Cambridge. Thus the figures for 1929 are, Oxford 173, Cambridge 168, and all other universities 91. For the expert and specialised posts there is a much more even distribution.

The Committee defended this tendency to recruit colonial administrators from the older seats of learning thus: "though the high colonial officials would not claim that the qualities they regard as essential in an administrative officer, namely vision, high ideals of service, fearless devotion to duty born of a sense of responsibility, tolerance, and above all the team spirit are a monopoly of the products of the public schools and Oxford and Cambridge, they undoubtedly believe that the administrative recruits drawn from these sources are more certain to possess them than those drawn from schools and universities about which they know little." Once again, it will be seen that no conspicuous mention is made of intellect. Nor does the *hoity-toity* remark about "schools and universities about which they know little" really exempt a Committee of enquiry from the duty of repairing their ignorance. And finally, the argument of the Committee, that of thirty-five successful Europeans at the Indian Civil Service Examination of 1929, twenty-seven were drawn from Oxford and Cambridge, possesses little validity, for this proportion of

successes is also largely due to the social structure of the country, which is equally a cause of the members of the Committee not knowing anything about the lesser schools *beyond the pale*.

## APPENDIX

### ADMINISTRATIVE CLASS EXAMINATION

The examination for the Administrative Class includes the following subjects. The numerical value is shown against each subject.

SECTION A.—Candidates are to take up all the subjects in this section.

1. ESSAY ... .. 100	3. PRESENT DAY ... 100
2. ENGLISH ... .. 100	4. VIVA VOCE ... .. 300

SECTION B.—OPTIONAL SUBJECTS.—Candidates are allowed to take up subjects in this section up to a total of 700 marks.

#### *History*

5. British History, Period 1 ... .. 200	7. European History, <i>either</i> Period 1 <i>or</i> Period 2 200
6. British History, Period 2 ... .. 200	8. European History, Period 3 ... .. 200

#### *Law, Philosophy, Politics and Economics*

9. Private Law, Part 1 ... 200	21. Psychology ... .. 100
10. Private Law, Part 2 ... 200	22. Experimental Psychology ... .. 100
11. Jurisprudence ... .. 100	23. Political Theory ... .. 100
12. Constitutional Law ... 100	24. Political Organisation 100
13. Roman Law ... .. 200	25. International Relations 100
14. International Law ... 100	26. General Economics ... 200
15. Metaphysics, Paper 1 ... 100	27. Industry and Trade ... 100
16. Metaphysics, Paper 2 ... 100	28. Money, Banking, and Exchange ... .. 100
17. Metaphysics, Paper 3 ... 100	29. Public Finance ... .. 100
18. Moral Philosophy, Paper 1 ... .. 100	30. Social Economics ... .. 100
19. Moral Philosophy, Paper 2 ... .. 100	31. Economic History ... .. 100
20. Logic ... .. 100	32. Economic Statistics ... 100

*Mathematics and Science*

33. Lower Pure Mathematics ...	200	44. Higher Geology ...	300
34. Lower Applied Mathematics ...	200	45. Lower Physiology ...	200
35. Higher Mathematics ...	300	46. Higher Physiology ...	300
36. Astronomy ...	200	47. Lower Zoology ...	200
37. Lower Chemistry ...	200	48. Higher Zoology ...	300
38. Higher Chemistry ...	300	49. Engineering ...	400
39. Lower Physics ...	200	50. Geography ...	400
40. Higher Physics ...	300	51. General Anthropology ...	100
41. Lower Botany ...	200	52. Special Anthropology, consisting of either Social Anthropology or Physical Anthropology ...	100
42. Higher Botany ...	300		
43. Lower Geology ...	200		

*Languages and Civilisations*

53. Old and Middle English ...	100	69. French Literature ...	100
54. English Literature, Period 1 ...	200	70. German Language ...	200
55. English Literature, Period 2 ...	200	71. German History ...	100
56. Welsh Civilisation ...	200	72. German Literature ...	100
57. Greek Translation ...	100	73. Spanish or Italian Language ...	200
58. Greek Composition ...	100	74. Spanish or Italian History ...	100
59. Greek History ...	100	75. Spanish or Italian Literature ...	100
60. Greek Literature ...	100	76. Russian Language ...	200
61. Latin Translation ...	100	77. Russian History ...	100
62. Latin Composition ...	100	78. Russian Literature ...	100
63. Roman History ...	100	79. Arabic Language ...	200
64. Latin Literature ...	100	80. Arabic History ...	100
65. Classical Archæology, Paper 1 ...	100	81. Arabic Literature ...	100
66. Classical Archæology, Paper 2 ...	100	82. Persian Language ...	200
67. French Language ...	200	83. Persian History ...	100
68. French History ...	100	84. Persian Literature ...	100



## CHAPTER V

### REMUNERATION, PROMOTION, REDRESS OF GRIEVANCES, DISCIPLINE

IN a capitalistic economy, the price of labour, like the price of everything else, automatically regulates itself by the free play of supply and demand. Ethical standards are not centrally determined, any more than supply and demand are, to be imposed from above on the spontaneous movements of labour and investment. At the other end of the scale is Soviet Communism, which has retreated, if it ever fully accepted, from the ethical standard of "From each according to his ability, to each according to his need," but still controls labour to an extent which makes almost everybody a civil servant. Only an ethical standard can be predominant there, though within it comparisons of quantity and quality, and therefore differentiation of reward, can be and are made between man and man and group and group. But in the wide categories the set of values specified by the planners is the deciding factor. At the minimum, it contrives that the gap between the lowest salary and the highest shall be smaller than in the capitalist countries, and that the lowest shall be established at a "decent" minimum. The Civil Services of capitalist countries are not entirely moored to the price-system, and as their proportion to the total gainfully-employed population increases, they cannot but encounter the kind of problem already met in the Russian economy.

The principles of remuneration in the British Civil Service have been evolved piecemeal, by different

agencies.<sup>1</sup> But the Treasury has co-ordinated and implemented the resolutions of Parliament, the various Commissions and Committees on the Civil Service, and in the last ten years the judgments of the Industrial Court.

### **Fair Relativity**

In 1910 opposition to the alleged harshness of the Treasury came to a head in a famous resolution of the House of Commons. It was directly applicable only to Government contractors, but the Government accepted the principle for its own staffs. The resolution ran :

" The Contractor shall, under the penalty of a fine or otherwise pay rates of wages and observe hours of labour *not less favourable* than those commonly recognised by employers and trade societies (or in the absence of such recognised wages and hours, those which in practice prevail amongst good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district, those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further, the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of the fair wages clauses are being observed. The contractor shall be prohibited from transferring or assigning, directly or indirectly, to any person or persons whatever, any portion of his contract without the written permission of the Department. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited. The contractor shall be responsible for the observance of the fair wages clauses by the sub-contractor."

This is known as the Fair Wages principle, or Fair Relativity, meaning relativity to comparable outside employment. In other words, the Treasury seeks for a

<sup>1</sup> The actual scales of salary for the Treasury Classes are given in Appendix, p. 249.

standard of reasonable pay in the practice of private industry. This comparison has been applied only as nearly as possible, for it is clear that only rarely is there an exact identity between work inside and outside the Service; only, for example, where there is a concrete and quantitatively measurable product such as letter-addressing, stamping and filing, typewriting, envelope-addressing. When the Clerical and Executive and Administrative classes are reached, and in many other places, the responsibility or the procedure becomes peculiar, as, for example scrutinising passports, inspecting a school, checking the counterfoils in a theatre-ticket book for Entertainments Tax, the custody of stamps, or the handling of registered letters, the principle of analogy breaks down, and indefiniteness, either above or below the true level, creeps in. Better still, what is true cannot be discovered with unmistakable clarity.

In spite of the pressure of labour organisations, the only forces able to cause the Treasury to revise its application of its own alleged wish to get services for the public at the cheapest possible rate, Treasury, Post Office, Admiralty and War Office, persisted until recent years in offering pay which, in the social conditions obtaining, was lower than that prevailing in comparable employments—though, of course, hundreds of thousands in outside industry were altogether unpaid because altogether unemployed. Inside the Post Office, the Hobhouse Committee of 1907, and the Holt Committee of 1913, found that rates were fixed by reference to the cost of living, the rates of pay in particular districts, the amount “necessary” to attract the workers, the nature of the work, the responsibility and trust involved, and Christmas boxes. Within these main lines, different jobs were paid according to volume of work, such as night-attendance and intensity of effort over a number of hours. This, of course, cut loose from the Fair Relativity principle, and the cost-of-living

principle, and caused much unrest, particularly as the Post Office was zealous in the introduction of methods of increasing the speed of the work. How impossible such criteria are in the higher classes of Service can be imagined, and the Macdonnell Commission, while laying down no comprehensive doctrine on the subject, treated of the particular classes by reference to the ability of the official, the difficulty of the work, the cost of production (education and upbringing) of the employee, and the prestige of public employment. It also referred to the Model Employer theory of remuneration, meaning apparently that the Treasury should not follow the conditions of outside employment exactly, but should set a higher standard.

### **The Anderson Committee**

The most comprehensive analysis of the principles of remuneration is that made by the Anderson Committee of 1923, established to "enquire into the present standard of remuneration and other conditions of employment of the various classes of State Servants employed in the Civil Service and in the three Fighting Services and to make recommendations thereon." The cardinal conclusions are worth quotation and comment.

"Two general considerations about the pay of State Servants occur to us. On the one hand, the State should hold the scales even between its own servants and those through whose enterprise its servants are paid. On the other hand, employees of the Crown would have a real ground for complaint if their pay were related to wages in industry only in the time of low wages. If they do not get pay relative to the boom, they must be spared the full severity of the slump. The State as a model employer offers security, a pension, a dignified service and a moderate wage in exchange for the excitement and possibilities of private employment."

This emphasises three considerations. The mind of the Treasury must be fixed on the financial situation of

the taxpayers, who must not be overburdened in order to pay unduly high salaries for the work the Service does for them. When the comparison is made with the earnings of comparable private employment the extreme undulation is not to be followed, neither its losses nor its fortune-making. There are advantages which the State gives, such as security and a pension, and prestige, and these may be taken as part of the payment.

The Committee then had to meet another principle proposed by those who claimed increases of salary, that the cost of living, the expenses of marriage, the bringing up of children, and the maintenance of a social position which the dignity of the profession imposes on civil servants should be met by allowances. The Committee rejected this demand, and asserted a principle which is not quite the same as its first cluster. "The employer should pay what is necessary to recruit and retain an efficient staff." If the problem were merely to recruit an efficient staff, it might be done at an extremely small salary in times of industrial slump. It evidently pays, however, to offer sufficient to prevent those who have entered the Service from leaving it when industry is booming, for there is great advantage in experience and long familiarity with the work. Nor can the State afford to have a stream of people learning Government secrets and then moving off into industry where that information might be useful. Like all law, the Official Secrets Acts are effective only when they are not under too great a strain.

It is clear that the position to which the Committee retreated raises another question, and that is the meaning of the word *efficient*, and in attempting to deal with it, as might be expected, the Committee finds itself in a world full of snares. "It is always possible," it says, "to defend paying a higher rate on the ground that one gets the pick of the market." Again, "One must look to no other factor than worth, in comparison with private employment if possible." But, in order to make the

comparison one must know what one wants to obtain : " the employer must have a clear idea not only of the intelligence, but of the physique and other qualities required of his staff. A service which is satisfied with a clever and well-educated man can be staffed at a lower rate, not only at the beginning, but throughout life, than another service which requires the same educational attainments and in addition, better physique, force of character and such special gifts as tact and the power of command." How difficult this is to discern and define in relation to specific jobs we have already seen in our examination of the selection of the Administrative Class.

There is one other matter of very great importance. The Committee found that the " scales of pay of these classes vary in each Department according to the class of work and the educational and professional standard of qualification." In other words, pay is not related directly to the work done, or the actual estimated productivity of each civil servant ; hardly even to the estimated productivity of a whole grade or whole classes. It is related indirectly to an estimate of the qualifications deemed fitting for the work. Hence the pay is not directly and arithmetically proportional in relation to actual productivity. This phenomenon has a serious effect on disciplinary control ; it is discussed later. Further, all who come into the same grade are paid the rate for the grade, and not for the actual work they do. This has the effect of reducing jealousy, and perhaps of promoting a team spirit ; but, on the other hand, it gives rise to agitation for the redivision of grades, and to resentment that X who does a little less than Y, though the supervisor does not detect it, is nevertheless paid just the same. It may even tend to reduce the more capable and zealous to the productive level of the less capable and more lazy, and to make more furious their resentment at not being able to get promotion.

We may conclude this examination of the Report of the Anderson Committee, by remarking that in judging the actual rates then (in 1923) being paid, it invariably started with the level of outside rates of pay and used this to measure their excessiveness or deficiency. Moreover, as it was careful to observe, it assumed that the work and the numbers employed to do it were necessary.

Before the Tomlin Commission, the Treasury representative, Sir Russell Scott, Controller of Establishments, formulated the criteria in application. They are almost identical with the principles of the Anderson Report. Attention, however, may be drawn to some factors not especially stressed before. The "prospects of promotion" were evidently regarded as a factor without which remuneration would be higher. Similarly with pensions; so that though pensions are in fact and law non-contributory, and, in amount and conditions of award not liable to action in the Law Courts against the Treasury's discretion, to set them off against pay is inferentially to treat them as a deduction from the full presumed rate of payment. This is not a fair thing to do, unless there were instituted a proper appeal against the disciplinary reduction or total loss of pension. The Model Employer principle was defined negatively by the Controller of Establishments, thus: "The Government sets out to be a good or, indeed, a model employer, and by that is meant that the Government would not prescribe terms of employment *which compare unfavourably* with those obtaining outside the Civil Service amongst good employers." It is something gained no doubt when "good" employers are taken as a standard. Yet experience tells us that the Treasury is not capriciously philanthropic. It fights like the devil for every penny claimed, and its plea is that its business is to see that the public as well as the civil servants get justice. It claims to act on the rule laid down by the Industrial Court in Award 1325, May 1927: "that of the

maintenance of a *fair relativity* as between their wages and those in outside industries as a whole." This is a wider interpretation of the traditional phrase : it is not simply relativity between a group within the Service and its analogue outside, but with all wage-earners outside. Within the Service, in the case of this award, the Post Office, are the subsidiary tests of work done and special responsibilities undertaken.

### **The Industrial Court**

The Industrial Court, whose composition and range of authority are described later, has given decisions in about 240 cases. We have attempted to discover the principles of its decisions, as they appear in its reasoned awards. They may be epitomised as follows :

1. Regard must be had to the economic hardship contemporaneously suffered by all outside employment, and the civil servant cannot be given a more favourable position.
2. There is a presumption in favour of a rise in pay if the rise does not put new burdens on taxpayers or ratepayers.
3. For a rise in salary, special hardship of any kind must be proven in relation to comparable grades, employments, or localities.
4. The net comparative disadvantages of a trade, e.g. its dirtiness, its noise, its detrimentality to health, its excessive responsibility, form tenable grounds for additions of pay.
5. Where special and unavoidable expenditure is imposed by the conditions of service, e.g. extra travel, lack of housing, removal expenses and allowances must be added to pay.
6. As regards the " fair wages " principle of the Government, this must be taken not in the letter but in the spirit, and it would then imply " a greater degree of stability in wage-rates than is



usual in commercial undertakings," and so there would be no immediate or exact adjustment of conditions inside and outside the Civil Service.

Yet :

7. Sometimes, although the State would have to suffer extra burdens, even in times of distress, where they deemed the nature of the duties to require higher payment, the Court awarded it ;
8. Sometimes it has accepted the simple demand for a "higher standard of living" as the controlling principle ; and sometimes it has rejected this on the ground of "business depression."
9. More often there is what may be called the "craft" principle, that is, the appeal to what people exercising the same or a similar craft outside Government employment are receiving.
10. The battle between the "standard of living" principle and "the prosperity of the nation" is well seen in Decision No. 743 (November 1922):

"The State may have certain duties towards its employees which in some circumstances might properly differentiate it from a private employer whose action is directly determined by economic necessity and the state of the market. It would be nobody's desire to see these higher considerations weakened in any way. At the same time difficulties clearly arise if State employees of a given class or trade are placed in a permanently and substantially better position than that of workpeople of the same class outside . . . while however it may be necessary that a *broad and general similarity*<sup>1</sup> between the positions of those inside and of those outside the Government service should be maintained, it does not appear to the Court that such a principle necessitates following faithfully and minutely every change of wages either upwards or downwards that occurs in private employment. It is not unthinkable<sup>2</sup> that the conditions and circumstances under which productive work is carried on by the State

<sup>1</sup> Notice these terms!

<sup>2</sup> The tentativeness of the terms should be observed!

may be found to be consistent with a greater degree of stability in wage rates than is usual in commercial undertakings."

The Tomlin Commission accepted the test of "fair relativity" as contained in Award 1325 quoted before. It admitted the impossibility of accurate comparisons owing to the incommensurability of the kind and quality of different kinds of work, but thought that "general" comparisons were possible. It insists that "Civil Service remuneration should reflect what may be described as the long term trend, both in wage levels and in the economic condition of the country." Once more the Report emphasises what has been repeatedly forced upon our attention, the unavoidable necessity of classification with pay scales related to grades, thus making variation above and below for groups and individuals with special duties above or below the normal for the grade. It repudiates the Model Employer theory on the ground of its nebulousness. It is unfortunate that the Tomlin Commission sat and reported during the depression years 1929 to 1931, for in its general colourlessness and lack of creative energy, it may have been insufficiently affected by its own warning that the conditions of the Civil Service, when under review, should not be "too closely related to factors of a temporary or passing character."

Before some general comments on the significance of the problem of remuneration in the Civil Service are formulated, a few words must be said about the Cost-of-Living Bonus, Retirement, and the Pay of Women.

### **End of Cost-of-Living Bonus**

The Cost-of-Living Bonus system came into existence in July 1915 in the postal service to meet the rapid, irregular rise in prices. The system was extended, as the abnormal conditions of the war lasted, to all posts under £1,500 per year. On the reorganisation of the Service in 1920, the system was continued, that is,

there were Basic Rates, and then a Bonus based on the cost of living. A revision of the Bonus occurred every six months; the higher the Basic Salary the less progressively was the Bonus. The Tomlin Commission wisely recommended the consolidation of salaries, and the discontinuance of the system of cost-of-living bonus. Their reasons were, the unfairness of securing to one class in the nation immunity from fluctuation in real wages; the difficulties of wholesale half-yearly revisions without differentiation between classes and grades, and that, only on the fluctuating and not on the basic factor; the unequal appropriateness to each Civil Service group, of the Index Number; the discontent caused by falls in the Bonus with the fall in the Index Number. The consolidation was effected on the principles laid down by the Commission, in July 1934.

### Retirement

Retirement from the Civil Service is of various kinds, each drawing with it its own financial consequences. We distinguish chiefly :

(1) Compulsory retirement, which comes at the age of 65. This is late enough in administrative work, which, even in humble stations, requires not merely intellectual application, but nerves, patience, and diplomatic force. But it is permissible for the Head of the Department to propose an extension for a further period not exceeding five years, and the Treasury may assent if it is satisfied that retirement at the earlier age would be detrimental to the interests of the Service. The power to extend the period of service is wise, since a cast-iron rule might deprive the Service of the wisdom which in some people does accumulate with age. The Head of the Department may require the retirement of any officer at the age of 60. The most frequent event, however, is retirement nearer 60 than 65. This, generally, is beneficial for the Service, for the selection is made with this purpose in view, and opportunities are thereby

opened for the promotion of the younger staff. In order to meet the requirement of those posts which require a great deal of personal direction and active negotiation and at the same time do not admit of labour-saving routine, it might be wise to reduce the retirement age to 57 or 58. (2) There may be voluntary retirement, for reasons of permanent ill-health. (3) Retirement may be compulsory on the abolition of office or the improvement of the organisation of the Department. (4) There may be compulsory retirement on account of inability to discharge official duties with efficiency. This almost meets the case envisaged at the end of the comments in the first paragraph, except that it has a flavour of the exceptional and humiliating about it.

The pensions and allowances available are prescribed in the Superannuation Acts of 1859 and 1909, and the details need not occupy us here. We need only point to these facts, that the pensions are calculated on a percentage of the final year's salary and according to the number of years of service accomplished; that retirement through infirmity, age, or abolition of office, is met with a gratuity based on the number of years' service; that on death, in or out of the Service, a gratuity is paid to the legal representative according to the years of service.

Some points of principle deserve to be made conspicuous. The decision of the Treasury as to the conditions and amount of the pension is final. This seems to be the clear effect of the Act of 1834 (Section 30), which says that nothing in the Superannuation Acts is "to extend, or to be so construed as to give, to any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under the Acts, or to deprive the Treasury and the heads or principal officers of Departments of their powers to dismiss any person from the public service without compensation." There have been many attempts to get the Courts to entertain claims by civil servants against the

Treasury. They have all completely failed. All cases have ended with the judgment in *Cooper v. R.* (1880) : "The Crown in fact says, 'This is what we intend to give you, but as a matter of bounty only, and you shall have no legal right whatever, and it is not intended to give any person an absolute right of compensation for past services or for allowances under this Act.' He must therefore depend upon the bounty of the Crown whether he is to have the whole amount or any part which the Commissioners think fit, or what they will take into consideration, or what they will not. . . . But whether they do or do not err in their decision, it is made by the Act of Parliament absolutely conclusive and binding."

Next, the pension system is non-contributory. It has the character of a benefit *ex gratia*, conferred by the State. This was tested and settled in *Considine v. McIerney* (1916, 2 A.C. 162), when a civil servant injured in the course of his work and given a pension and a gratuity, made a claim under the Workmen's Compensation Act, 1906. It was argued for him that he had contributed to the pension by accepting a lower salary in expectation of it. The Court forcefully resisted the argument, and answered that there was no evidence whatever for the suggestion. "It (the pension) came wholly out of the employer's pocket."

Thirdly, there would have been little need to emphasise the foregoing facts except for the disciplinary force of the Treasury's discretion. Section 8 of the Act of 1859 prohibits the Treasury from making the full amount of the allowance unless the chief of the Department certifies that the official has served with "diligence and fidelity." Where "defaults and demerits" are deemed by the Treasury to require a diminution of the allowance, such diminution is in its unchallengeable discretion. Fully in the hands of the Head of the Department, it is naturally, not a force which is obtruded by him or the officers to whom disciplinary

power is necessarily devolved in the ordinary course of business, but it is a force which looms in the consciousness, and has its own silent compulsion.

Finally, the Tomlin Commission proposed to make the system contributory, and there is a great deal to be said in favour of such a proposal. It is better for the State that the weaker party shall be able to call the Treasury to justice. Moreover, at the present moment there is no provision made for voluntary retirement of civil servants who simply wish to leave in order to enter some other trade or profession. This facility has been refused on the ground that the Civil Service must keep its personnel for life. There is very much in this plea ; but at the present juncture it is not desirable to keep inside the Service people who would rather, on experience of it, be out. In any case, whether the contributory system is accepted or not, there is no reason why, as in other countries, there should not be recourse against the Treasury's interpretation, if not before an ordinary Law Court, then before a Ministerial Tribunal.

### **The Position of Women**

A number of obstinate social and physical factors have made the position of women in the Civil Service a problem not yet solved in spite of the frequent attention paid to it. These factors, the intrinsic force of which should not be overlooked, are : man's claim to an exclusive or at least a preferential title to situations and salaries to enable him as the head of a family to provide for dependants ; the alleged and sometimes proven physical and psychological inferiority of women to men for some kinds of work ; the demand of the women for "equal pay for equal work," when "work" is defined by the qualifications for a class rather than actual productivity ; men's traditional priority in the Service and their contempt for and jealousy of the professional woman ; and, finally, the difficulty of

securing the proper disciplinary relations between men and women when working in the same office whether as superior and inferior or as colleagues. The present position is the resultant of these factors operating in combination, and each with the force not of rational consideration together with the rest, but the result of sporadic development.

Before 1914 there were only a few thousand women in the non-industrial non-manipulative branches of the Service ; to-day there are some 90,000 in non-industrial positions, of which some 50,000 are minor and manipulative, and messengers, porters, and cleaners, etc., leaving about 40,000 distributed among all the other grades. The Macdonnell Commission recommended that the State ought "to secure . . . the advantage of the services of women wherever these services will best promote its interests," for example, in the social welfare branches, in museums and libraries, and, after a special examination of the question, in the Clerical and Administrative classes. It was to benefit the State, and less to benefit *women*, that such a policy ought to be pursued. They recommended the continuance of segregation of women's work.

From 1914 to 1919 women literally invaded the Service. The consternation felt is well conveyed in Tilley and Gaselee's *The Foreign Office*. When the men returned, and places had to be found for ex-service candidates, there was a rapid reduction of the 170,000 women. Then the Reorganisation Committee took up the tale. It recommended that women should be employed in the Clerical, Executive and Administrative classes along with men, with equal status and authority, but with separate establishment lists and lines of promotion. They were to have exclusive entry into the Writing Assistant and Typist Classes. As to pay, the basic scale would be identical for men and women, but the increments would be the same only up to a point. The Sex Disqualifications (Removal) Act of 1919 had

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excepted the admission of women to the Civil Service from its general equalising provisions. In 1921, the House of Commons resolved that women be admitted into the Service under the same regulations as men, *but* that allocation of the qualifying candidates be made with regard to the requirements of the situations to be filled. Tortuous!

Women were actually excluded from the Diplomatic and Consular Service, the Dominions and Colonial Office, the Administrative Class of the Defence Departments, and the Executive Grade in those and other Departments (like Customs and Excise). There are some exclusions in various Departments from the Executive and Clerical Classes, or else restrictions on the number accepted. Women are freely accepted as Inspectors of Taxes, but it is horribly nerve-wracking and health-destroying work! It is not difficult to appreciate the reasons for some of the exclusions in the Foreign, Colonial and Defence Departments; there is the fear of the interference of sex distractions and seduction with duty, the belief that women cannot keep secrets (as though men can!), and the certainty that some colonial duties cannot be expected of women. There is still the stickiness of caution, jealousy, and egoism to account for some exclusions.

So much was proved before the Tomlin Commission. The Commission recommended the sweeping away of these unreasonable barriers, and saw grounds for the exclusion of women only where excessive travelling and detective work were required, and in the Defence Departments. The Tomlin Commission gave birth to a Committee on Women's Questions which reported in 1934, and another on the Diplomatic and Consular Services which reported in 1936. The former was concerned with three questions: the application of the principle of "a fair field and no favour," the problem of segregation and aggregation, and the marriage bar. It recommended that women should be admitted



equally with men except where adequate and publicly announced objections exist. It reiterated the request of the Tomlin Commission that the existing exclusions and preferences in various classes should have due weight in the review of the Departments which that Commission equally urged. It required a review of all the Departments by a central body after three years, and wished for some arrangement for continuous review. The Committee recommended that women in the Service, and from outside, should be appointed to Selection Boards in the competitions for which both sexes are eligible. It pressed for adequate appointment of women in the Civil Service Commission itself, and in the Establishment Branches of the Treasury and other Departments, on the grounds that this would produce not only the advantage of special knowledge and care in the decision of women's questions, but also provide women representatives on promotion boards.

The Committee, following the lead of the Tomlin Commission, and contradicting the Commission of 1914, recommended aggregation of men and women as soon as it is departmentally practicable, to be followed by aggregated recruitment. Finally, it repeated the Tomlin Commission's recommendation that women should normally leave the service on marriage, subject to a discretionary power to make exceptions in individual cases. This bar had been introduced by a Treasury Minute in 1894, and was accompanied by provision for a gratuity payable by the Treasury to women thus retiring of one month's pay for each year of established service, the minimum service to count being six years, and the maximum receivable being one year's pay. The Macdonnell Commission was divided on the wisdom of the rule, the majority pointing to the incompatibility of the welfare of the family and the responsibilities of married life with the devotion of the whole of one's time and unimpaired energy to the public service. The substantial minority demurred, for in some positions

especially, the enforcement of the bar would act to the public disadvantage. The bar was continued. The Sex Disqualification (Removal) Act of 1919 embodied a new spirit, but the only difference it made to the Treasury was to extract the concession in the Order in Council of 1920 (Regulations, August 1921) that exceptions might be made on the recommendation of the Head of the Department and the concurrence of the Civil Service Commissioners and the Treasury, if these were satisfied that this was in the interests of the public service. To 1931, this power was used *once*. The Civil Service itself was divided on the question. A ballot of women in the lower ranks showed a large majority in favour of the bar. The higher grades were in favour of the removal of the bar, at least for themselves. Opinion seemed in favour of treating the higher and lower grades differently, with freedom for the former. The Official Side were emphatically in favour of the bar, which was most conducive to the efficiency of the Service, and regarded the power to make exceptions as sufficient.

The Tomlin Commission was also divided between those who thought that the turnover due to marriage was good for the Service in the lower grades doing routine work, but might work badly in removing from the Service valuable and experienced members in the upper grades, and those who wanted a complete removal of the bar, seeing in it no factor in the efficiency of the Service, but only a relic of the prejudice against women. In order not to remain divided, the two wings of the Commission agreed on the retention of the bar, but recommended that the discretionary power be so phrased as to avoid the previously existing possibility of an arbitrary interpretation of it. The discretion should apply all through the Service; it should be especially applicable to higher administrative staff, medical officers, factory inspectors, inspectors of schools, and officers holding research and other posts calling

for special qualifications. Where the disadvantage of marriage is outweighed by the special qualifications, the woman should be retained. The Committee on Women's Questions carried the recommendations forward, and the Treasury made the required amendment to the Regulation. Women in general are barred from the Service on marriage, but a woman may apply for exemption; and, in a case of recruitment, the Head of the Department, the Civil Service Commissioners and the Treasury, and in that of a person already established, the Head of the Department and the Treasury, may make an exception if after *joint consideration*, her special qualifications, special experience, or the special requirements of the Department are deemed to warrant it. Further, in the case of the Administrative Group and the Tax Inspectorate it would be intimated in the regulations that retention of a woman on marriage was possible. Finally, there were made consequential rules on pre-natal and post-natal leave, and provisions for reinstatement in certain circumstances after marriage.

### Equal Pay for Equal Work?

So we arrive at the question of "equal pay for equal work." Where men and women are employed in the same class their commencing salary is the same, but thereafter the increments rise more rapidly and to a higher maximum for men. This has been supported in turn by the Macdonnell Commission, by the Reorganisation Committee of 1920, by the Anderson Committee, while the Tomlin Commission divided on the question, and its ends could not meet. It is of interest to follow the reasoning, at least, in the two inquiries last mentioned.

The Anderson Committee commenced with the same principle as it applied to men: "the employer should offer women what is necessary to recruit the type he needs and to keep his service healthy and efficient." "If for the same total cost of pay women do this work

better than men, the value of women will appreciate and they will in due course get better pay till the employer finds that at changed rates men suit him in preference to women. If, on the other hand, for every pound spent in pay on a certain operation a man gives a better return than a woman, that work will tend to be reserved for men. This rule of equal pay for equal value is, we think, not only justice, but the one rule that will permanently satisfy men and women, employers and employed, producers and customers." *But* we ought not to confuse with "equal pay for equal value" "equal pay for the same post." There was no reason to suppose that exactly the same divisions of work or the same posts or rules that suit men will suit women; the contrary seemed more probable. "In the early years of her employment it is evident that for work which requires continuity of service a young woman gives less than a young man of equal capacity and should be paid less. The prospect of marriage reduces the value of her employment to the average young woman and her value to her employer." Young women, therefore, should be recruited for Administrative, Executive and Clerical grades at a lower rate than young men. As the woman grows older, the Committee thought, and the risk of marriage decreases, her value in work which requires continuity of service should rise in relation to the value of a man. However, experience was too recent to justify any improvement, nor did industrialists and the world of commerce think the average women to be worth as much as the average man. "It seems to us, therefore, that the relation now existing between the pay of men and women in these grades in their later years of service roughly meets the present situation, and that in the meantime the greatest service the State can do to women is to allow them to prove in work which suits their physique that they can show initiative and the power to take responsibility and to prove in actual practice their relative value to the value of

men. We have no doubt that in the Civil Service, as in every other well-managed service, proved value will be recognised in better pay."

It will be observed that the Committee regard women as civil servants only, and not as women, and they are concerned not with the politics of the relative social positions of men and women, but solely with payment for proven efficiency. It will be noticed that they hardly approve of the difference in men's and women's increments, because they consider that the longer a woman remains in office the less the chances of her leaving it for marriage or other occupations, and hence the State has the assurance of *continuity* in her work and should pay for it. But they do not see the necessity of equal pay on entry to the Service. They see no reason for differentiation of pay in the Writing Assistants Class and Manipulative Work (sorting, shorthand and typewriting, office machinery, telephonists and telegraphists, etc.); women suffer here less under irritation and monotony than men, and continuity is of less importance than in the more intellectual grades.

The Tomlin Commission thoroughly reviewed the question of "equal pay for equal work." The claim was that men and women should receive the same rates of pay "when men and women were employed in the same grade on the same or equivalent duties." This was the claim made by various women's associations and indeed by the representative organisations of the civil servants, men as well as women. The term of the claim must be carefully observed. It does not refer to any comparison of actual efficiency of men and women, to actual productive worth to the State. It is concerned simply with a "rate for the job," the general rate prevailing for the whole grade, without any more regard to differences in productivity between men and women than is normally paid to differences between more capable and less capable men civil servants. It was also argued that the existence of a large class of women paid

at lower rates constituted a standing danger to the lowering of men's rates. The Treasury resisted this statement of principle, and supported its position by reference to practice in the world of commerce, and the impropriety of acting otherwise than on the basis of "fair relativity" with outside conditions.

The Commission could reach no agreement on the subject, and divided almost equally. Those against equal pay were swayed by these considerations: (1) The additional cost was about £3,000,000 a year. This was an almost purely casual argument—based on the depression. It was brought forward by the Treasury with emphasis. (2) There is no reason for doing in the Civil Service what is not done in outside employment; there, with rare exceptions, women are paid less than men (but the Commissioners admitted that the work upon which men and women were engaged was not strictly comparable and that women were frequently employed on inferior duties). (3) There was the feeling that women were less efficient than men (e.g. the greater sick leave for women). (4) The view was expressed that if equality were introduced it would be only a rate intermediate between that of men and women now prevailing. (5) To rebut the argument that equal efficiency might be expected from people recruited by the same examinations at equal standards, the Commissioners argued that only about 12,500 out of 78,500 non-industrial women civil servants were appointed by *common* examinations, and the rest by special examinations. If the argument were accepted that, applied to the 12,500, it would also, by sympathy, *tend to affect the pay of the rest to whom the argument did not apply*, the Commissioners answered, that, in fact, the argument did not apply to any, because the system of competitive written examination was instituted principally "to overcome the abuses which might arise under any other method of appointment." The inference is that the method of appointment is no

exact test of productivity. Hence, it is no title to pay.

Those who recommended equal pay considered that : (1) The present discrimination was not based upon different productivity but difference in sex, and, in the long run, this must act as a deterrent on the entry of the most talented women. (2) The examination is a test of efficiency, the nature of the work is specific, and women are fully capable, as experience shows, of doing it. (3) Common entry into the Service and common work distinguish the Service from outside business, where the work done by men and women differs in character. (4) Great weight is attached to the Civil Service principle, which has even been stated by the Permanent Secretary to the Treasury, that "in the Service pay is not related to individuals but to *ranks*." "In practice," says these Commissioners, "women who gain entry by examination are on its results assigned to ranks in which they are doing precisely the work done by their male colleagues." (5) The "fair relativity" principle is repudiated.

The differences in pay accordingly still exist, and the Treasury is no doubt influenced by the expenditure necessary to produce equality, but more so by the fact that plenty of people are available at the prices offered. There is, and perhaps always will be, in the background, the belief that women by their nature are, on the whole, more liable to sick leave, to break under a strain, to produce a smaller volume of work of equal quality, and to leave the Service early and involve it in the necessity of getting a new worker with all the attendant difficulties of training and adaptation. There is always the obvious difference of sex, and the belief that women are weaker and less capable than men, and it makes discrimination easier to effect and support than as between men in the same grade. These views have been stated in the House of Commons for the *n*th time and denied by the Opposition—on April 1st, 1936.

when the Government was defeated on a "snap" vote, and on April 6th, 1936, when the debate took place all over again and the Government Whips cluck-clucked to their many absentees.

### Promotion

It is difficult to come upon a satisfactory and unchallenged measure of the monetary worth of a class of civil servants compared with all other classes; and so one fixes a scale for each class in relation to the tests to be passed. Within each class, comparative measurement operates for various grades uniformly except where work is done beyond the normal number of hours. But a difference is supposed to be measured for three purposes, the grant of the annual prescribed increments, for the certificate of competence to pass beyond the "efficiency bar" in the Clerical Grade, for promotion, and for pension.

According to the Order in Council (Art. 18) governing the Service, increments can only be given provided there has been a positive show of efficiency. An increment withheld may be, in reality, suspended, and when the conduct of the official has improved, be granted. Thus distinctions should be made between servants, but we have no statistics on which to found a judgment how far they are. Increments are, in fact, largely automatic.

Not the same thing can be said of the reports regarding promotion, whether from the Junior to the Senior Grade of a Class, or from one Class to another. Hence deliberate selection, and therefore deliberate comparison, must be made. The British Civil Service rejects the principle of seniority as the title to promotion. The Promotions Committee of the National Whitley Council (August 1921) agreed that "the consideration ruling all promotions should be the advancement of the efficiency of the public service, and that this can only be secured by determining promotions on



the ground of fitness . . . on promotion to posts in which the work is of a routine character seniority should be allowed more weight than in the case of promotions where greater responsibilities and initiative are involved." Thus merit and efficiency are the ruling considerations. This theory and the regulation to implement it have been reiterated again and again since 1853 and even before. Its reiteration arouses the suspicion that it is the too ardent confession of one who habitually sins.

Merit itself may be adequately measured by seniority in the more routine tasks. It is very invidious to make distinctions, which are in any case difficult in Civil Service work, and the distinction may cause the unsuccessful candidate to be so discouraged that, all in all, the efficiency of the office is not increased. Hence seniority continues to count, and there is much ado about its proper determination. Then the supervising officers have the difficult task of weighing conspicuous merit and efficiency and promise, with steady, patient and loyal work. There is always the possibility of affronting the latter by rewarding the former. Naturally the biggest pressure for promotion is in the lower and middle ranks. Civil servants are well educated, often too well educated for their tasks ; and they feel they are entitled to an outlet. They feel the resentment that younger people above them have arrived early and can give them orders because their parents were better off, for it must again be emphasised that the social stratification of the nation has consigned them, however marked their ability, to special compartments of the Service—and they wish to escape through the few loopholes left. They feel doomed, and their work is apt to become perfunctory. It is therefore urged by their spokesman that it is not only just that more than the strictly necessary higher jobs shall be open to them, but that the offer of a few prizes in addition, though adding to the State's salary bill, brings a more than

proportionate return, since it gives additional hope and therefore zest to thousands.

The promotion system revolves, in general, around the Annual Report Form and the Departmental Promotion Boards introduced in 1921. It is clear that the large office needs some regular contrivance to impose a duty on and offer a uniform method of report to supervising officers. Posts with a salary of less than £700 are involved.

Confidential.

MODEL FORM (Page 1).

ANNUAL REPORT ON MEMBERS OF THE STAFF (TO BE RENDERED ON JANUARY 1ST).

January 19 ..

Annual Report on Mr..... (Name).  
..... (Rank).

Branch in which serving.....

Date of Birth .....

Date of entry into—

(a) Public Service .....

(b) Department (if different from (a) ).....

(c) Present Grade .....

*For instructions for compiling the report, see page 2 (below).*

— (1)	Above Average of Grade (2)	Average of Grade (3)	Below Average of Grade (4)	Remarks (5)
1. Knowledge— (a) of Branch ... (b) of Department				
2. Personality and Force of Character ...				
3. Judgment ...				
4. Power of taking responsibility ...				
5. Initiative ...				
6. Accuracy ...				
7. Address and Tact				
8. Power of Supervising Staff ...				
9. Zeal ...				
10. Official conduct ...				

*General Remarks* (including note of any specific qualifications not included above).

Degree of qualification  
for promotion to next  
grade (*see note 2 over*).

I HEREBY CERTIFY that in my opinion the conduct and standard of  
efficiency of the officer named hereon are as stated.

*Signature* .....

*Rank* .....

(Certifying Officer.)

Remarks.

(HEAD OF SUB-DEPARTMENT.)

(*For Professional and technical qualifications as supplied by  
the officer, see form annexed.*)

#### MODEL FORM (Page 2).

##### NOTES AND INSTRUCTIONS FOR COMPILING THE FORM.

(1) Insert in Columns 2, 3, or 4 the letter (a), (b), or (c) against  
each heading in Column 1 in accordance with the following order of  
appraisement :

(a) Above average of Grade.

(b) Average of Grade.

(c) Below average of Grade.

(2) Against the heading, "Degree of Qualification for promotion  
to next grade," an officer should be marked :

(a) If eminently fitted for special and early promotion (if this  
marking is given the reasons for giving it are to be stated).

(b) If fitted for promotion but not for exceptional promotion.

(c) If not considered fit for promotion at present (if this marking  
is given the reasons for giving it are to be stated).

(3) The remarks Column (5) is intended for use by the certifying  
officer, and to enable him to draw attention to any exceptional  
degree of qualification in the marking.

The space at the foot of the form is for the remarks of the Head  
of the Sub-Department.

(4) These reports are to be regarded as confidential. If, however,  
an officer is marked "Below average of grade" in any of the qualifi-  
cations mentioned in the headings of the report, or "not considered  
fit for promotion at present" for some cause other than inexperience  
or—where the Head of the Sub-Department considers it  
desirable for medical reasons—ill-health, he must be given in  
duplicate a written intimation that he has been so assessed under  
the particular heading or headings, with reasons where stated, and  
required to sign and return to the Establishment Officer one copy  
of the form of intimation as evidence that this direction has been  
complied with.

As can be seen from the reproduction, the Form  
prescribes a number of qualities, knowledge (a) of  
Branch, (b) of Department ; personality and force of  
character ; judgment ; power of taking responsibility ;

initiative; accuracy; address and tact; power of supervising staff; zeal; and official conduct. But the relative importance of these qualities varies with *different posts*, and the *fitness of an officer for promotion* depends upon his personal combination of those qualities requisite to the work in the vacant posts. The further down the scale of routine work for example, the more would knowledge of Branch and accuracy count; where the official comes into contact with the public, address and tact would be "weighted": in the management of other people, personality and force of character, and power of supervising staff would stand out. Indeed, considerable modifications have been made by some Departments of the actual qualities they require in order the better to fit their special needs. These qualities, which are differently combined in different Departments, are then judged by the certifying officers as "above," "below," or "on the average of," the grade. Exceptional qualities, good or bad, are included in the report. A judgment is then made whether the officer is (a) eminently fitted for special and early promotion, (b) fitted for promotion but not for exceptional promotion, or (c) not fitted for promotion at present. If an official falls under the third judgment, or is below the average of the grade through faults entirely his own, it is part of the equity of the scheme that he shall be informed of this.

Vacancies for promotion are made known through the Promotion Boards which exist in almost every Department. The Boards normally consist of the Chief Establishment Officer or his Deputy, the Head of the sub-department in which the vacancy occurs, and one or more other Departmental Officers of experience and standing nominated by the Head of the Department.<sup>1</sup>

<sup>1</sup> These arrangements are now described, after some years of operation, in the various memoranda submitted by the Permanent Secretaries to the Tomlin Commission C.S.; and the evidence given before the Commission shows that they have been maintained with very great loyalty to the best interests of the Civil Service.

In practice, of course, the only person who is likely to possess real knowledge of the candidate is his immediate supervising officer. The Board is compelled by the nature of its everyday preoccupations to rely more upon his exact knowledge acquired in four or five years of critical observation than on what it gleans from the Report Forms and conversation in a more or less hurried interview, if there is one. Where it is necessary, additional evidence is called for, especially from the Staff Side of the Whitley Council of the Department or of the district or office concerned. In the Ministry of Pensions and the Admiralty the Staff Side actually sift the recommendations before they go forward, and that with great severity. Any officer may make representations to the Head of the Department in regard to any promotion that has been made affecting him, and the case is dealt with by the Head of the Department himself, with or without assessors, who remit it to the Promotion Board, or to a special advisory body for consideration, and from evidence before the Tomlin Commission it is plain that a considerable amount of informal appeal from decisions is permitted. In the Post Office, which has an enormous staff, a Sub-Department decision may be appealed against to Headquarters. The members of the Promotion Boards consider their duties among the most onerous they perform, for they are virtually condemning one or more aspirants to years, even decades, of their old work and a sense of frustration.

What is gained by this attention to promotion? There is of course *no complete exclusion of favouritism*. For, if Reports and Personal Records are drawn up, yet someone has to do this, and the personal factor still persists. Nor can one entirely eliminate the varying standards of the several reporting officers whose candidates may be in the short list for selection. Attempts have been made to do this by the issue of definitions of the qualities and by fairly long directions

for the mental analysis of the definition. Moreover, it *will have been remarked that the report revolves around the "average of the grade,"* and what is "average" must be very much the reflection of the individual supervising officer's mind and character. But certain things are gained. The first is regularity of report: this means that there must be recurrent attention to the relative merits of subordinates; the deliberateness at stated intervals conduces to conscious attempts at distinction. It is true that some certifying officers tar all with the same brush, that others exhibit prejudice, and others, again, gush with praise over all or over favourites, yet valid distinctions are made. The qualities mentioned in the Report Form breaks up the vagueness of judgment into a number of more specific questions, answers to which can only be given by close attention to their purport. Yet the National Whitley Council is still searching for improvements, and it seems that they will take the form of more and better defined "qualities" to indicate fitness for the coming rather than the occupied job, with more shades and fractions of judgment than the three hitherto used, the pivot of "average of grade" being set aside for degrees like "good," "excellent," "satisfactory," and so on. The second gain which underlines and makes effective the first, is the heightening of responsibility brought about by the possibility of a representation against a flagrantly unjust promotion.<sup>1</sup> This cannot produce the perfect result, for errors of judgment are still possible; a reporting officer can still fit his marks to his general estimate of promotability rather than the latter to the former; the promoting officer will not have to pay for his error in the future, and may even be indulgent to his subordinates to cover up his own initial fault. Yet, thirdly, the staff feels that this procedure reduces the possibility of jobbery, that it is having a "square

<sup>1</sup> The evidence before the Tomlin Commission, 1929, shows that such representations are made in individual cases.

deal," and, therefore, causes for suspicion and the furtive backbiting, which is as bitter as gall in any "closed" occupation, have been diminished. The Tomlin Commission met the claims of civil servants even further—the precise terms of an adverse report are to be divulged, and sympathetic consideration is to be given to the institution of Departmental Boards of Review which will include a staff nominee (Report, 1931, p. 78). These are important gains, well worth the time and energy expended upon the operation of the system.

A problem that has always been troublesome is that of transfer between Departments. Rapidity of promotion depends upon the availability of jobs in the higher ranks and upon the fortune of departmental development. These factors are by no means equal in all departments. In industry this is part of the luck of life, but in the Civil Service, where happily considerations of equity temper luck, the staff have been insistent on inter-departmental transfer and promotion. The Treasury has not been quick with proposals for effectuating this. The Royal Commission of 1929-31 recommended that a central committee of Treasury and departmental interviewers should see candidates for the Administrative Grade coming from the Departments which do not possess this grade, and that, later, this should be extended to promotions to the Executive Class. In March 1935 this scheme was put into operation for the Administrative Class, promising officials under thirty being potential candidates.

Before leaving the subject of remuneration and incidental questions, it is important to emphasise the rigidity of the system. The situation admits of only extreme rewards or punishments. One receives the increments, *as prescribed*, or is refused the increment. One is promoted, *as prescribed*, or there is no promotion. There is no possibility of a more sensitive adjustment of the reward or punishment to the specific value of

the person—one-half or one-quarter the increment, or promotion, with less than the normal increase in pay. Nor can more than the prescribed amount be given, even where it is merited. To give an unlimited discretion into the hands of the higher officials, and to let loose ambition in the services, would ultimately cause the aggregate of salaries to rise or fall. Parliament would be presented with fluctuating estimates, and ought to examine the causes of fluctuation and attempt to relate the efficiency of the services to the increases or decreases. But that is impossible where the staff is so large and the services are not rendered to the public upon a price-system. If Parliament did not control, but permitted taxation to be raised to meet the increases without discrimination, I think we may take it that the salary bill would steadily rise. Or, if it were forced down, there would be dissension among the staff; and that is insupportable where the services to be rendered are so basic. The only egress from this difficulty, and, of course, it is the one taken by public services everywhere, is to lay down from time to time a set of conditions of employment which will operate fairly automatically; in other words to limit the discretion of the superior officers and the opportunities and ambitions of the subordinates.

### The Whitley Council System

Until 1917, individuals and associations in the Civil Service acted mainly by memorial (or petition) which finally reached the Head of the Department and then the Treasury. *The chief disadvantage of this method* was that negotiations were in writing, and personal discussion was almost entirely excluded. The growth of associations produced, and was partly produced by, a desire on the part of the superiors to negotiate with a really representative body. In 1917 a vast change was contemplated in private industry, and this affected the Civil Service.



A National Provisional Joint Committee of thirty members (composed equally of Officials and Staff Sides) reported in May 1919 on the Constitution, Objects, and Functions of a National Council and Departmental Councils for the Civil Service. By the end of July 1919, after negotiations and the Cabinet's approval, the National Council drew up a model constitution for the departmental Whitley Councils. Generally, it stated :

"The objects of the Council shall be to secure the greatest measure of co-operation between the administration, in its capacity as employers, and the general body of the staff in matters affecting the Department, with a view to increased efficiency in the Department combined with the well-being of those employed ; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view of the administrative, clerical and manipulative Civil Service," respecting conditions of service within the Department.

There are Departmental Councils on the model set out, with wide variations according to the peculiar circumstances of each Department, and each has small numbers representing, equally, Official and Staff sides. The National Council, which considers the interests of the Service as a whole, and to which the Departmental Councils are bound to refer general questions, is composed of fifty-four members divided equally between Official and Staff sides, whose representatives must be "persons of standing (who may or may not be Civil Servants)." It has consisted on the Official side of the Permanent Secretaries of Departments or other higher officials, and since 1922 of three Members of Parliament. The Staff side representatives must be appointed by Civil Service groups or associations named in the constitution. About one-half the members of the Staff side of the Council have been whole-time officers of associations, the rest are serving civil servants.

The Whitley Councils are concerned with the problems of non-industrial staffs in posts carrying remuneration only up to £700 a year.<sup>1</sup> The industrial staffs have special Industrial Councils.

The functions of the National Whitley Council include provision of the best means for utilising the ideas and experience of the staff; to secure the staff a greater share of responsibility for the determination and observance of the conditions under which they work; the determination of the general provisions governing recruitment, hours, promotion and discipline (general principles, not individual cases), tenure, and remuneration and superannuation; encouragement of further education of civil servants and their training in higher administration and organisation; the improvement of office machinery and organisation, and the provision of opportunities for the full consideration of suggestions by the staff on this subject; and proposed legislation so far as it has a bearing upon the position of civil servants in relation to their employment.

The Departmental Whitley Councils are concerned with all matters which affect the conditions of service in Department, including those set down for the National Council, changes in the law as they affect employment in the Department, and the principles of superannuation in their special application to the Department. But their position in regard to promotion and discipline is less general and more immediately practical than that of the National Council. "Without prejudice to the responsibility of the Head of the Department," it may discuss cases in which it is alleged that the settled principles of promotion have been violated, and may discuss *any case* of disciplinary action where the Staff side thinks it desirable.

The evolution and nature of the authority of the Councils is an instructive corollary of responsible government. In 1919 a Committee of the National

<sup>1</sup> Including scales which commence below £700, but rise above it.

Council under the chairmanship of Sir Thomas Heath, declared that the Councils should be purely consultative and without executive powers. It argued that the heads of Government Departments were in a different situation from the *managers* of private business by reason of their ultimate responsibility to Parliament, and therefore their lack of freedom unreservedly to accept decisions of the Councils. Since Ministerial responsibility was an essential principle, the power could not be left unreservedly in the hands of the Head of the Department ; hence there must be Ministerial freedom to accept or reject the conclusions of the Councils. These conclusions were very disappointing to the Staff representatives. Anxious negotiations began between them and the Official side. A unanimous report emerged, which swung strongly the other way : " The decisions of the Council shall be arrived at by agreement between the two sides, shall be signed by Chairman and Vice-Chairman, shall be reported to the Cabinet *and thereupon shall become operative.*" As for the Departmental Councils, their decisions " shall be reported to the Head of Department *and shall become operative.*" But it is clear that this arrangement would make Ministers responsible for things in which they had not an ultimate critical and revisory power, and this thought caused anxiety. It meant that either the Official side would run backwards and forwards to the Cabinet on each important occasion, or that it would need to take an extremely cautious, non-committal, and even negative attitude. Hence the National Council agreed upon this definition :

" The establishment of Whitley Councils cannot relieve the Government of any part of its responsibility to Parliament, and Ministers and Heads of Departments acting under the general or specific authority of Ministers, must take such actions as may be required in any case in the public interest. This condition is inherent in the constitutional doctrines of Parliamentary

Government and ministerial responsibility, and Ministers can neither waive nor escape it.

*"It follows from this constitutional principle that, while the acceptance by the Government of the Whitley system as regards the Civil Service implies an intention to make the fullest possible use of Whitley procedure, the Government has not surrendered, and cannot surrender its liberty of action in the exercise of its authority and the discharge of its responsibilities in the public interest."*

This gives a greater freedom to the Official side, because, if on consideration, any agreed plan is discovered to have unexpected implications, it could be overridden on the grounds of Cabinet responsibility.

However, the phrase that agreements become "operative" does imply an obligation that in all normal cases they shall be operative. Certain consequences follow: the Official side considers the proposals beforehand and refers, where necessary, to Ministers. In other words, the obligations of Cabinet responsibility are, in normal cases, exercised by an attitude assumed before negotiation. This, as in all negotiating assemblies based upon "instructions," sometimes compels the adjournment of the discussion until fresh instructions are obtained. There is no voting—each side acts as a unit: and therefore each side must find agreement beforehand. In the background, with its hands on the ultimate strings, is the Treasury.

Where agreement is, for any reason, impossible, and a compromise cannot be effected, the Official decision naturally holds good, and then the only benefit of the system is that the Staff's point of view, having been fully expressed in Council, and by the method of question and answer and debate, may, in time, modify the full effect of that decision. No Act of Parliament founded the Whitley system. It arose out of a promise made by the Government of the day. And whatever

strength it has is drawn entirely from the perception of its value in making the Service function smoothly and productively, and from the force of character of the men and women who compose the Councils. The arrangements and decisions made by Parliament in the ordinary course of its legislative and controlling functions, set the outside limits within which the Councils may operate ; sometimes an agreement will be deprived of its force by the unintentional action of the House of Commons whose main attention may be directed to salaries, or establishment or disestablishment of a Department, division or function. Such repercussions operate through the medium of the Treasury. If the House of Commons ever adopted a Committee system on the Continental model it might with advantage allow representatives of the National Whitley Council to appear before its Civil Service Committee.

Most of the Councils have done much good work in the matter of promotion, discipline, and the organisation and conduct of office work : especially is this true of the Departments where small devices have great value because of the largeness of the staff and the industrial nature of the work—in the Admiralty, Post Office, and the Customs and Excise.

The National Council has been active on a wide scale. It has reported upon and secured the reorganisation of the general principles and methods of promotion ; a Superannuation Committee on Further Education has made its report on provision for the further education of younger civil servants, and lectures have been arranged by Civil Service bodies, though not enough has been either planned or accomplished in this respect. The bonus and sliding-scale system to meet varying price-levels were secured (and after 1933 abandoned on the recommendation of the Royal Commission on the Civil Service), and, perhaps most important of all, the Regrading and Reorganisation of the Civil Service has been effected. In the years immediately

following the Report of the Tomlin Commission it fruitfully co-operated in formulating new rules—for example, on disciplinary procedure (see p. 168).

What has been gained by the institution of the Councils? Not all that was expected. The years in which the Councils were first instituted were years of world-wide hope in reconstruction. At first there was a large release of energy in the work of investigation and inventive thought, and the work of the National Council which we have indicated was most fruitful. *But there has been a slowing down, a conversion of adventure into routine.* However, something very important has been gained when there can be a semi-public review of a foolish, untactful or despotic show of authority; when resentment or apparently arbitrary interference with habit is mollified. Then, too, there is now a feeling that in regard to promotion, leave and other official benefits favouritism is likely to be detected and quashed. Too much must obviously not be expected from the system by the Staff side. The Official side are still, in some cases, hard; and the Treasury, representing the Government, is too often prepared to whittle down engagements which cost money and energy. However, it is quite clear from the evidence given by Heads of Departments and representatives of the staff, that the Departmental Councils have actually produced an invaluable and indispensable atmosphere of good and easy relationship between superiors and subordinates—*that is the universal testimony.* Different opinions are entertained of the National Council: it is alleged to be too large in size and too unregulated in procedure to do effective work. Perhaps the real difficulty is that apart from occasional general reorganisations of the Service (as that of 1920) the work of the Civil Service poses rather departmental than national problems of magnitude. It is, however, useful as a medium for the ventilation of general questions, even if nothing can be done.

The power of the associations behind the Councils is still required to maintain real official respect for the cases they advocate, and we can surmise, though we cannot exactly count the number of, small benefits silently won without overt conflict by the mere existence of organised and recognised vigilantes. The evidence before the Tomlin Commission shows that matters are not always discussed in the formal meetings of the Councils, but that informal discussions occur between the leaders of the Official and Staff sides, and settlements are reached immediately. The Tomlin Commission recommended, and the National Whitley Council adopted, the rule that the Staff side Chairman and Secretaries of the Council should have their official duties lightened, but not altogether reduced, in order to be able to carry out their functions. This, because it was thought to be in the interests of the State that *serving civil servants* might hold these positions.

### The Arbitration Court

Early in 1917 a Civil Service Arbitration Board was set up as a result of agitation by the Civil Service associations that the war had sent prices sky-high while wages lagged far behind. But for years before, agitation and difficulties regarding pay in the Post Office had produced special committees on the question, and it was widely recognised that some permanent machinery ought to be established for the settlement of claims regarding payment. Two motives can be seen at work: the realisation that "there is no worse tribunal in the world for fixing a scale of wages than the House of Commons," and to free Members of Parliament from intolerable pressure.<sup>1</sup> The Board

<sup>1</sup> The Tomlin Commission of 1929-31 says: "The acceptance of this principle [compulsory arbitration] involves some surrender of control on the part of the State over the remuneration and conditions of service. . . . This course, however, has some practical advantages, in so far as it avoids parliamentary agitation in connection with the claims of numerous small classes of civil servants" (p. 147).

established by the executive authority of the Government was to deal by conciliation or arbitration with questions arising with regard to claims for increased pay made by Government employees, except in the cases of industrial staffs, and where there was already recognised machinery applicable to the case. It did good work in a difficult period, and then was abolished in 1922 as part of the campaign against State expenditure. The Government argued that the Whitley Councils were enough.

A bitter campaign ended with the re-establishment of the Board early in 1925. Its constitution was part of the Industrial Courts set up by the Act of 1919 until November 1936, when it was given a status independent of the Industrial Court. The Arbitration Tribunal consists of a chairman who is either the President of the Industrial Court, or failing him, a person appointed by the Minister of Labour in consultation with both Staff and Official sides of the National Whitley Council. The Chairman will choose one member from the panel drawn up by the Minister of Labour as representing the Staff side, and another from the panel drawn up by the Minister of Labour to represent the Chancellor of the Exchequer. Civil servants and officials of Civil Service associations are ineligible for appointments as members of the Court.

Only claims in regard to salaries of £700 and less can be referred to the Court, unless by consent of the parties concerned in the claim. When negotiation fails, arbitration is open to the Government Departments on one hand and the recognised Civil Service Association, within the scope of the National Whitley Council, on the other hand, on application by either party. Much exasperation is caused by the "endeavour . . . of the parties to agree to the terms of reference or the terms of the result for the Tribunal." In cases where this is impossible the competing terms go to the Tribunal. The matters which may be taken to the Court are



claims affecting emoluments, weekly hours of work and leave. But claims can be made only for "classes," i.e. "any well-defined category of civil servants who for the purpose of a particular claim occupy the same position, or have a common interest in the claim." This provision limits the work of the Court, and were it not so, individual cases, and cases of small groups, where inequalities in respective pay and work were concerned, would cause a continuous rush of claims for related adjustments, and destroy any stability for the Treasury and Parliament. The whole problem of classification would be reopened and never closed. This, of course, unfortunately imposes hardship on some officials, and the hardship is a direct result of large-scale organisation and the exigencies of parliamentary control. Civil servants are generally satisfied that they have secured a very valuable piece of machinery for removing grievances. It is acknowledged that the Court is fair, patient and thorough. But the Treasury is the sole interpreter of the terms of the judgments of the Court, and may take action before submitting its intentions to the Court. Hence the Staff Side have requested that the Treasury be limited in its power of interpretation, and that, say, the Ministry of Labour should decide between its view and the Treasury view. It has also requested that there should be some limitation on the action of the Government affecting remuneration and conditions of civil servants without first submitting such matters to the judgment of the Industrial Court. The Government has rejected such requests on the grounds of its political responsibility, which requires that it shall not be bound. The Tomlin Commission (Report, 145 ff.) recommended no change in the constitution or jurisdiction of the Court, except a wider definition of "class" and the substitution of £1,000 for £700 as the upward limit of compulsory arbitration. From 1925 to the end of 1935 nearly 240 cases had been submitted to the Court, and

practically all classes of the Service to which the system applies must have been directly involved. One of the most notable cases was that settled in October 1936 after a seventeen days' hearing. Parity of pay had long been demanded for Departmental clerks in the six different Departments. After years of futile and vexed negotiation, the Treasury refused to deal with the groups as one common problem. But to deal with each group in turn before the Court would have meant two years of arduous and perhaps less conclusive negotiations. A public scandal occurred. The Civil Service Clerical Association and the Treasury insulted each other. The former took legal opinion on a "stay-in-strike." Its able secretary explained the situation to Members of Parliament. Finally, the Chancellor of the Exchequer intervened, and agreed to a hearing of the cases before the Court in sequence, but with judgment on all together at their conclusion. The Treasury view, most ably put, was judged to be unsound in five cases. No event has so much proved the value of such a Court, nor the excessive casuistry of the Treasury in the "public interest."

### Discipline

In return for the material advantages already set out, the Service makes its demands on the employee. The seven-hour day is common throughout the Service, but there are branches which do eight hours, and the higher grades are expected to put in overtime when the work demands it, without extra pay. The expectation is fulfilled without grumbling, and often, indeed, work is taken home. On Saturdays a half-day is worked. There are well-settled rules regarding sick-leave and annual holidays.

In his work-time the official is under the disciplinary authority of the Minister, which means, in all normal cases, the permanent Head of the Department and his delegates, who exercise the day-by-day direction and

authority. He is responsible for seeing that in quantity and quality the civil servant does a fair day's work and that he obeys those general customary conventions of the Service, together with the rules as to conduct laid down in departmental instructions and Treasury Circulars, or other instruments common to the whole Service. Of them some mention is made later.

The disciplinary power is strict. As we have already said, the power to withhold superannuation allowances is unchallengeable, and the full amount is not to be awarded unless the official has given satisfaction. Increments may be suspended or denied. Promotion may be postponed or altogether denied. An official not giving satisfaction may be transferred to more disagreeable work within his grade. There may be reprimands and warnings, and short of that, curt answers or the cold shoulder. In the final resort there may be discharge from the Service, and since this is at the pleasure of the Crown, sustained in many judicial decisions as absolute, the official can only depend on the bounty of the State in offering him an opportunity of challenging and securing redress of any grievance in the use of the disciplinary power. As the saying goes, "In practice the services of a civil servant would not be terminated except on due cause being shown."

In recent years there have been valuable developments which are an important check on the arbitrary. A Treasury Circular of November 1920 laid it down that, except in cases which may give rise to criminal proceedings, full particulars of any charge against an officer's conduct shall be communicated to him in writing before any disciplinary action is decided on. An opportunity is thereby given to the officer to meet the charges. The Head of the Department may decide whether any further enquiry into the facts is necessary and what form it shall take. There is then the general liberty possessed by all civil servants of appealing to the Head of the Department against the final decision.

Next, under the promotion-form scheme it was the duty of the superior to notify the servant who had been reported as "below the average of the grade." And it must be remembered that the Staff Side Departmental Whitley Councillors had the right to make representations wherever desirable in cases of disciplinary action.

These safeguards were not considered sufficient by the Staff side of the National Whitley Council. When they appeared before the Tomlin Commission they asked that the officer should be given a copy of any adverse report on his promotion form and further have a right of appeal to a board composed of civil servants at least two grades higher in rank than himself. The Commission acceded to the first part of the demand, but thought that the second was unnecessary, seeing that the officer could already make his comments and ask for an oral discussion. It suggested, instead that, as in the Admiralty, a Staff nominee should be associated with the head of the sub-department reviewing the reports handed in by the various reporting officers. The Staff side asked, further, that in disciplinary cases where criminal proceedings were not involved, the officer should, in serious cases, have the right to appeal to a Central Board, and in less serious cases to a Departmental Board. The Commission rejected the first proposal on the ground that, on the whole, the existing system was satisfactory, and that to remove the power of appeal beyond the Head of the Department would impair his authority. There would also be the difficulty of dividing the serious from the less serious cases for jurisdiction. The Commission recommended only, that in serious cases, where the penalty may be dismissal, the civil servant should have the right to have the case dealt with *orally*, instead of making a written rejoinder as then pertained, before the chief Establishment Officer or his deputy, usually, and have the right of having associated with him either a colleague or a representative of his association. In

order to avoid too narrow an interpretation of the existing rule on the communication of the charge against an officer, the Commission recommended that a written statement should define the charge, setting out particulars of the facts held to support it. A Treasury Letter of May 22nd, 1935, puts the suggestion into effect, the Treasury adding that undue formality is undesirable in conducting these enquiries, and deprecating any standardised practice.

### A "Sheltered" Occupation

It will have been gathered from the preceding discussion that the Civil Service is a "sheltered" occupation. Dismissals are not arbitrary as in the larger part of private enterprise, and the number is very small. This is due to the non-existence of the almost unchecked hostility which is called "competition" in private enterprise, and it is also due to the lack of a mercenary incentive in the heads of the staff as well as to the difficulty of isolating the comparative unproductivity of particular servants in a system where price does not apply, and where payment by the grade is the rule. Figures of turnover in the Civil Service staff are rare, but those given in evidence before the Royal Commission on Unemployment Insurance of 1929 (*Appendices, p. 325*) are instructive. They are for the year ending March 1930, and refer to the non-industrial staff.

Cause of leaving	Established			Unestablished		
	Men	Women	Total	Men	Women	Total
Marriage ...	—	1,744	1,744	—	217	217
Ill-health ...	683	216	899	166	101	267
Abolition of office or redundancy ...	25	9	34	1,874	563	2,437
Age ...	2,218	130	2,348	258	51	309
Death ...	703	67	770	289	30	319
Inefficiency ...	21	6	27	60	26	86
Misconduct ...	250	13	263	177	15	192
" Other Causes "	523	306	829	1,898	1,040	2,938

The total "established" staff was about 230,000. Of these, according to the figures, only 290 were dismissed for inefficiency and misconduct! If we include "other causes," the total would be 1,119, that is only one out of about 210. The "unestablished" staff numbered about 60,000. Of these 278 were dismissed, or including the "other causes," 3,216. The difference in turnover between "established" and "unestablished" staff is probably accounted for by the freedom of mind felt by the official Supervisors in dealing with the "unestablished," who are engaged in permanent work but are not entitled to a pension.

By "sheltered" the general public also means that there are fixed hours of work, regular leave, regular, if modest, increments, the likelihood that only a very severe depression indeed will cause any substantial reduction in salary and pension rights. A well-known book, *Civil Service Guide*,<sup>1</sup> giving "Information of Assistance to the Would-be Civil Servant," begins: "In these days of economic uncertainty, when unemployment is unfortunately so rife that merely to have a job is to be the envy of quite a considerable proportion of the community, parents and others with boys and girls to start in life are more than ever attracted by the permanency of State employment."

<sup>1</sup> A. J. T. Day, General Secretary, Society of Civil Servants, 1933.

## CHAPTER VI

### THE SPIRIT AND OPERATION OF THE SERVICE

THE Service attracts, on the whole, a fine body of workers. Taken as a whole it is the best educated profession in the country, often too well educated for its tasks. The officials are not, as so many were sixty or seventy years ago, the rejects of other professions. For every vacancy in the Administrative Grade (here including the Home, the Indian, the Foreign and Diplomatic and Consular Services) there are nearly six candidates, in the Executive Class nearly ten, Tax Inspectors eleven, and Clerical about five candidates for every two vacancies. They have capitalised their education for a situation which compares well economically at the outset with other professions, and which gives them a steady assured income, without much risk, instead of the worry, the insecurity and the competition, the glittering prizes or possible failures common to the outside world. A few, more especially in the higher ranks, are consciously attracted by the interesting prospect of public service, and most by the fact that here is a career which, unlike so many businesses and professions, throws open its door to talent without family connections. If not immediately, then in the course of some years of actual service, a large proportion of them come to recognise that they are the servants of the public, and many have a pride in doing their work well enough to merit not only the public's praise, but that satisfaction which comes when work is really well done according to professional standards.

The First Division civil servants, in making a case before the Tomlin Commission, argued that their status and prestige had declined in recent years. There were other professions and businesses with high public standing, aristocratic traditions had declined, the Civil Service, in expanding and coming more directly under the public eye, had incurred a natural, but illogical, hostility, especially on the part of journalists looking for an easy popular theme. Although the First Division Memorandum argues the case fluently—it is only a case. The prestige of the Service is very high, even if some people make fools and brutes of themselves by irresponsible invective. At any rate they feel that here is something better than working for the increased profits of private employer or company. That is the testimony of scores who have been questioned. A sign of the national regard for the Civil Service and its members is the conferment of honours like the Order of the British Empire and the C.B., and, for more distinguished service, the K.C.B., upon them. This is not a direct inducement to enter the Service or work well in it, but it is a measure which enhances the prestige of the Service, and, as such, it has three consequences: to make the work of the Service in relation to other professions not one to be measured by the material advantages alone, to add authority to those so honoured, and to increase the fellow-feeling among colleagues. All make for efficiency. One who held important office for many years has said: "The Civil Service has been guided not so much by formal rules and regulations as by a high spirit of honour, by zeal in the discharge of its duties, and by pride of tradition which ought to and, we believe, does animate it."<sup>1</sup> Fear of exposure also plays a large part in the maintenance of efficient work. The money corrective may here be not so severe or so ever-present as in the business

<sup>1</sup> Sir Henry Craik in *Parliamentary Debates*, April 14th, 1926, col. 90.



world, but there is the critical opinion of other people in the office (no one likes to feel the silent contempt of his peers) and of the hierarchy whose interest lies in Departmental work which will pass scathless through the parliamentary fire. This produces emulation, which is competition with the personal venom extracted. Most markedly of late years has the Service itself given attention to its own professional standards. In 1923 the Institute of Public Administration, inclusive of all grades of the Service, was founded, among other things "to maintain the high ideals and traditions of the Public Service," and "to give expression to the considered view of the Public Services on questions of public duty and professional etiquette."

Yet Sir Warren Fisher has lamented the absence of any code which binds the whole Service into one serving fellowship. Nothing like the Prussian Code of the Duties, made by statute and interpretations in the Supreme Disciplinary Court, exists in England. There are a few fragmentary rules, sometimes statutory, sometimes Departmental, sometimes made for all by the Treasury. Civil servants are bound to secrecy by the Official Secrets Acts, 1911 and 1920, and they have a special obligation in the matter of confidential documents in Departments like the Inland Revenue and the Post Office. Interest in contracts with Government Departments must be disclosed, and permission obtained to pursue the contract. To avoid entanglements which might affect outer reputation, office discipline and full attention to tasks, bankruptcy must be declared, and money-lending as a system not indulged in—"there are bad money-lenders and worse, but none can be good. The kinder their faces the worse they are."

If one were to generalise from the various instruments one would arrive at a code containing, I think, these main principles. The civil servant's first duty is obedience: this is the consequence of the hierarchical system in which responsibility is concentrated in the

political head of the Department. He owes all his time and mind to the Service, and can only take supplementary occupations by permission of the Department. He owes candour and truthfulness to those whom he is advising ; so much is derivable from the Dardanelles Enquiry, to be referred to again later. He must be *anonymous to the public and impartial in his assistance to governments of any party* ; this is a direct derivation from the principles of responsible government. Even his private activities are of concern to the Government, for the whole Service may be brought into disrepute by aspersions on the conduct of a single " Civil Servant." He must not seek to derive any private advantage from knowledge acquired in his official capacity ; so much emerges from the Gregory and Bullock cases.

In the latter case the *Permanent Secretary of the Air Ministry* had various conversations with Sir Eric Geddes, and other representatives of the Imperial Airways Ltd., in which honours for the chairman of the company and a government contract were involved. The impression was gained that the official's zeal was in part dictated by a desire to manœuvre himself into the chairmanship or a directorship of Imperial Airways Ltd., since he felt that there was " no further prospect of advancement for him in the Civil Service." Perhaps if there had been appropriate restrictions on the taking of directorships by retired civil servants, there would never have been this temptation to (as the Board of Enquiry's Report says) " the obtrusion of matters affecting private and personal interests," in the conduct of Government negotiations. The report concluded by referring to the Treasury Circular based on the Gregory case, and said, " we cannot escape the conclusion that Sir Christopher Bullock's conduct was completely at variance with the tenour and spirit of this case, which in our view clearly precludes a civil servant from interlacing public negotiations entrusted to him with the advancement of his personal or private interests. We

do not say that he consciously used his official position to further his interests ; yet we cannot but think that it was the official position he held that provided the vantage ground. . . ." The Report refers to the "lack of that instinct and perception from which is derived the sure guide by which the conduct of a civil servant should be regulated."

### Rules of Conduct

These are so important that they must be explained and the rules to which they gave rise quoted. The Gregory case was the subject of a Board of Inquiry in 1928. For some considerable time, Mr. Gregory of the Foreign Office and some friends had speculated in francs and advised a Mrs. Dyne on her speculations. The suspicion was disseminated that official information had been used as a basis for the speculations, and even that the famous Zinovieff letter had been circulated to affect the Foreign Exchange. Those inculpated were at once dismissed. Extracts from the Report (February 25th, 1928),<sup>1</sup> were circulated by the Treasury, to be suitably incorporated in the rules of the various Departments. Some of the principal observations ran :

" His Majesty's Civil Service, unlike other great professions, is not and cannot in the nature of things be an autonomous profession. In common with the Royal Navy, the Army, and the Royal Air Force, it must always be subject to the rules and regulations laid down for its guidance by His Majesty's Government. This written code is, in the case of the Civil Service, to be found not only in the Statutes but also in Orders in Council, Treasury Circulars and other directions which may from time to time be promulgated ; but over and above these the Civil Service, like every other profession, has its unwritten code of ethics and conduct for which the most effective sanction lies in the public opinion of the Service itself, and it is upon the maintenance of a sound and healthy public opinion within the Service that its value and efficiency chiefly depend.

<sup>1</sup> Cmd. 23037.

" 56. The first duty of a civil servant is to give his undivided allegiance to the State at all times and on all occasions when the State has a claim upon his services. With his private activities the State is in general not concerned, so long as his conduct therein is not such as to bring discredit upon the Service of which he is a member. But to say that he is not to subordinate his duty to his private interests, nor to make use of his official position to further those interests, is to say no more than that he must behave with common honesty. The Service exacts from itself a higher standard, because it recognises that the State is entitled to demand that its servants shall not only be honest in fact, but beyond the reach of suspicion of dishonesty. It was laid down by one of His Majesty's Judges in a case some few years ago that it was not merely of some importance but of fundamental importance that in a Court of Law justice should not only be done, but should manifestly and undoubtedly be seen to be done ; which we take to mean that public confidence in the administration of justice would be shaken if the least suspicion, however ill-founded, were allowed to arise that the course of legal proceedings could in any way be influenced by improper motives. We apply without hesitation an analogous rule to other branches of the public service. A civil servant is not to subordinate his duty to his private interests; but neither is he to put himself in a position where his duty and his interests conflict. He is not to make use of his official position to further those interests ; but neither is he so to order his private affairs as to allow the suspicion to arise that a trust has been abused or a confidence betrayed. These obligations are, we do not doubt, universally recognised throughout the whole of the Service ; if it were otherwise, its public credit would be diminished and its usefulness to the State impaired.

" 57. It follows that there are spheres of activity legitimately open to the ordinary citizens in which the civil servant can play no part or only a limited part. He is not to indulge in political or party controversy lest by so doing he should appear no longer the disinterested adviser of Ministers or able impartially to execute their

policy. He is bound to maintain a proper reticence in discussing public affairs and more particularly those with which his own Department is concerned. And lastly his position clearly imposes upon him restrictions in matters of commerce and business from which the ordinary citizen is free.

" 58. Between the regular investment or management of a private fortune on the one hand and speculative transactions in stocks, exchange or commodities on the other, there are obviously numerous gradations, and it may often be difficult to draw the precise line of demarcation between what is lawful and what is prohibited ; it may even be inadvisable to make the attempt, because many things, though lawful, may yet be inexpedient. But some transactions fall indubitably on one side of the line rather than upon the other. It might well be desirable for a civil servant in all circumstances to avoid transactions wholly speculative in character ; but where he is employed in any Department to which, whether rightly or wrongly, the public attribute the power of obtaining special information, such as the future course of political or financial events likely to affect the rise and fall of markets, then we assert unhesitatingly that participation in such transactions is not only undesirable or inexpedient, but wrong. The knowledge that civil servants so employed are engaged in them could not fail to shock public confidence at home, and, especially if matters of foreign exchange are involved, to produce a deplorable effect upon opinion abroad.

" 59. We content ourselves with laying down these general principles, which we do not seek to elaborate into any detailed code, if only for the reason that their application must necessarily vary according to the position, the Department and the work of the civil servant concerned. Practical rules for the guidance of social conduct depend also as much upon the instinct and perception of the individual as upon cast-iron formulæ ; and the surest guide will, we hope, always be found in the nice and jealous honour of civil servants themselves. The public expects from them a standard of integrity and conduct not only inflexible but fastidious,

and has not been disappointed in the past. We are confident that we are expressing the view of the Service when we say that the public have a right to expect that standard, and that it is the duty of the Service to see that the expectation is fulfilled."

The rules of anonymity and impartiality must be considered more fully later.

Each Department is a kind of professional association composed pyramidically with the Permanent Secretary at the top, and the Clerical Assistants and Typists at the bottom. Within that association there are traditions of loyalty and co-operation, discipline and decorum. Its outward symbols are the sports clubs, musical societies, and photographic clubs, and the many other social amenities, but it must not be forgotten that this departmentalisation in itself brings about jealousy between the Departments (on the whole in relation only to petty matters) and a dislike of any external and common direction. Over a generation ago, a witness before a Commission of Inquiry deplored anything which would make for *esprit de corps* in a Department on the ground that the public would suffer! There were instances during the war of serious Departmental jealousy between the old Departments and those improvised for the occasion, but that trouble has passed away. The Treasury is obliged to exert pressure on the smaller Departments to overcome apathy and resistance to change. As we have seen, its methods are being made appropriate to the task.

The Service is compelled by its peculiar position in the State to subject itself to what is called "red tape." The outside world makes no allowances for the domestic necessities of the Departments. They must be ready at any moment to answer to Parliament for any one of the thousands of administrative actions which arouses the wrath, anxiety or curiosity of any individual among the multitude of citizens. As Bagehot once remarked, "Any bore can frighten a functionary to death."

Indeed, a good deal of time is spent, while Parliament is sitting, in helping the Minister to prepare the answers to questions asked in the House. Some bright statistician has calculated that each answer costs a guinea to prepare! How nervously the note on worn and dusty file runs, "This must be back in time to be seen by the Minister at least one day before he is to give the answer in Parliament!" Since the Department must answer to this tribunal, its justification and repute are of necessity bound up with its records. Therefore it is slow in action; the interview and telephone are used less (though much more now than three decades ago) in the Civil Service than in business; the Civil Service is more inclined to write. And before it writes it must make its policy fit in with precedents, for each act of a Department may not be a law to itself: its principle is equity, not salesmanship. It treats all its clients alike, and does not charge what the markets will bear, or make a profit on one citizen to recoup itself for the loss on another. It is not judged by the test of solvency; for the public Departments operate, fundamentally to make universal provision of a necessary service, to all who need it. It even *forces* its attentions on people. It gives millionaires what they don't like. It discards the principle of price in a competitive market, and does not higgler over a direct *quid pro quo*. If it were too enterprising it might find itself sued for acting *ultra vires*. Therefore, it is cautious. It must go back to its preceding judgments, then, and make all cases square with them. It is an error of mammoth dimensions and grotesqueness to charge the Civil Service with usurpation. That is badly to mistake its ethos. The searching out of records, and the making of records, takes time, and accounts for much of the Departmental slowness of stroke. That slowness, however, is, to a small extent, induced by the fact that the consumer cannot threaten to go to another firm unless the Department hurries up, for the Department need not

fear that it will lose its business. It has a monopoly—but that again tends to make it fussy, a little authoritative, and therefore irritating. But there is in the background of the official's mind the feeling that a fuss about neglect may be made in the newspapers or in Parliament. Since the war the best scientific management has been used to overcome this Departmental slowness; letters are answered more promptly, less time is spent in discovering precedent, there is less writing of minutes. All these, of course, have their drawbacks, from the official standpoint especially. For anything that happens to Smith, or Thompson, or Jones or any one of the millions of their countrymen, may be mentioned in Parliament, and the Department is always tempted to act slowly and keep a record. It is always in fear of an ambush. Hence a decided tendency to concentrate responsibility and decision, instead of devolving it to subordinates, and therefore, for business to get congested and slowed up in a bottleneck. We may now consider the relations between the Service and Parliament, its taskmaster.

### **Parliament and the Civil Service**

These relations are of peculiar interest. The vital point of the connection is to be found in the position of the Minister, i.e. the political head of the Department. He is a politician chosen by the Prime Minister because of his political reputation in the country and the confidence reposed in him by the House of Commons. His apprenticeship in that House is long, and only after some ten or twenty years, of the really strict selective process of behaviour in the House and in the councils of his party, does he become eligible for high office. He has most probably passed through the grades of Parliamentary Private Secretary to the Under-Secretaryship of a lesser Department, and so towards Ministerial office. He is no expert, though he may have an amateur interest in the affairs of the Department to



which he is called. The English doctrine of Cabinet Government rejects the theory that Ministers should be experts and technicians in these affairs. No professional educationist goes to the Board of Education, or a professional naval authority to the Admiralty, except by rare accident. Rather do these appointments rest upon the doctrine that he should bring to bear on his Department the mind of a man of the world, that his interest should be broad and zealous for the national welfare. From him is demanded mainly a sense of proportion and values likely to guide him correctly in judging how far the work of this Department is necessary in national policy. He measures proportion and social value, he does not secrete technicalities. His is not the art of the chef, but that of clever tasting and persuasive advocacy. An amateur or "fancier" in relation to the technical details of his Department, he should, once they are put before him, be an expert in deciding how much those details mean as an ingredient of policy. He is a man of impetus, tendency and construction, not of Departmental science.

He has at his hand to do the expert work and direct the staff, the Permanent Secretary of the Department. The Minister's business is to explain and defend the policies finally formulated by himself and his Party, after being sifted through the administrative and technical filter, to the House of Commons and to the country. It is known, though not commonly enough known, that the Minister is prompted and coached by his permanent staff, and that though the country could do for a year or two without Ministers, it could not dispense with the staff for a single day. Yet Sir William Harcourt once said that the function of the Minister is to tell the Civil Service what the public won't stand; while somebody else has said that at the end of six months' government by civil servants alone, there would not be enough lamp-posts in Whitehall to hang the culprits! The quintessence of the whole British Constitution lies

in its mode of securing the responsibility of the Executive. That is its purpose and being, and every one of its institutions has been shaped to that end. Responsibility in democratic government is lost when it is scattered among several organs: localisation and concentration are its pillars. All responsibility for the work of the Department is then sharply concentrated upon the Minister. As far as responsibility is concerned the Minister is the Department. No one is deemed to stand behind his back to be praised or blamed. And on the rare occasions when a Minister has sought to defend himself by blaming his officials the House of Commons has sharply reminded him of his duty.<sup>1</sup> Parliament has created him to see that the administration works well; if it does not he alone is to blame; he will be badgered into changing his step and tune, while the ultimate penalty will be the loss of office. It is true that the principle of collective responsibility of the whole Cabinet, and its necessary resignation when its policy is reversed in the House, serves to save a Minister from defeat, but the threat of a storm in the House of Commons is enough to keep Ministers within the margin of efficiency. Even Mr. Baldwin's Ministers, pillowed on enormous majorities, had to make ignominious retreats. How many men lightly dare to be criticised and denounced by two or three hundred political opponents, and worse still, to experience the whispered or silent censure of their friends? They are all ready to take your place!

The Department, then, from Permanent Secretary downwards, is anonymous. The man in the street might be able to name, at the most perhaps, half a dozen contemporary Ministers and leading members of the Opposition; but even the best educated person will

<sup>1</sup> E.g. see Lang: *Life and Letters of Sir Stafford Northcote*, I, 160; and *Hansard*, July 25th and July 31st, 1923, on the "vulgar and stupid personal puffs" of the Postmaster-General sent out by an officer of the G.P.O.; cf. also debate on Unemployment Assistance Regulations, in January 1935.

hardly know the name of a single *Permanent Secretary*. Yet these are the chief advisers of the Minister.<sup>1</sup> They are chairmen at the departmental councils. The Permanent Secretary issues supreme departmental commands, and is the point of connection with other Departments for major inter-departmental affairs. The appointment of a Permanent Secretary is a matter for Cabinet decision. It is not possible to leave such appointments to the Ministers who are at the head of that Department for the time being. For this would be to put into the hands of an inexperienced judge the appointment of an official, who may hold his office, with all the power for national good or evil that that implies, for twenty or thirty years. It is therefore the practice for these appointments to be made, nominally only, by the Minister in whose Department the vacancy occurs, but the concurrence of the Prime Minister is necessary. Of course, he consults the Permanent Head of the Treasury. Thus, as we pointed out in dealing with Treasury control, the highest administrative expert in the whole Service decides who are to be his colleagues in the other Departments. There is some ground for believing that the Prime Minister is too busy or uninterested to look into the matter himself, and appointments may then be made which seem arbitrary to those who for themselves or in the interests of the Service would have made a different choice, and serious discontent may be caused by such behaviour. For example, the Prime Minister gave no direct affirmative answer to the question whether "he personally satisfied himself that in the particular case" "a permanent officer who may have expected normally to receive promotion as the Head of the Ministry of Agriculture was deservedly passed over?"<sup>2</sup>

<sup>1</sup> Generally the Assistant Secretaries and others in charge of large blocks of business will be in direct communication with the Ministers, but practice varies with the Departments and the idiosyncrasies of the Ministers.

<sup>2</sup> *Parliamentary Debates*, March 30th, 1936, Col. 1629.

The effectiveness and quality of parliamentary control and the creative value of the permanent officials to society depend upon the relation between the Minister and his Department. The staff has so far been ready to serve any whom the elections and Parliament designate as the Government. It is generally believed that this readiness will permanently prevail. This convention was well supported by the severe test of the Labour Party's tenure of office. "I and my colleagues in the House of Commons," said Mr. Sidney Webb, "have had the experience of coming as new people to offices which might legitimately have presumptions and traditions against us, and I am sure I am speaking for all my colleagues when I say that we have nothing to complain of in regard to the loyalty, fidelity, and zeal with which we found ourselves assisted during our short period of office." It should, however, be said that at no time in English political history have these qualities of neutrality been submitted to a really crucial test. We have yet to see whether Civil Service neutrality can be maintained if burdened with any vital problem of conscience. We may hope, but we must not be too sanguine, that our future will be as free of social cleavage as our past. It should be remembered that during the General Strike of 1926 a large number of Civil Servants would not, on conscientious grounds, volunteer for duties outside those for which they were expressly engaged. There are times when the policy of a Government directly affects the vital nature of the State. We should be foolish to imagine that old habits will continue to rule in such trying days.<sup>1</sup> Labour politicians are not entirely without anxiety about the Foreign Office.

In the main there has been personal goodwill,

<sup>1</sup> In 1926 Sir Thomas Legge, Senior Medical Inspector of Factories to the Home Office resigned on account of a disagreement over the Government's policy respecting the use of white lead in factories. See his letter in *The Times*, November 1926, and House of Lords Debate, February 23rd, 1927.

and always invaluable co-operation between the Permanent Secretary and the Minister. The names of Trevelyan, Lord Welby, Sir Edward Hamilton, Sir Robert Morant, Sir Maurice Hankey, Eyre Crowe, Sir Walter Tyrell, Sir John Anderson (especially at the Ministry of Health), Sir Warren Fisher, Sir Arthur Hirtzel, and the two Murrays, stand out in a brilliant constellation of administrators. Only where the Minister has been pedantic and himself of a bureaucratic temper has there been any exception to this rule. Those who have imagined that they can run the whole Department have invariably been swamped with their task and have accomplished little more than the vexation of those to whom the work should naturally have been devolved. Such exceptions have been very few. Three generations ago, when the activity of the State was restricted and the sense of complete personal possession of the Departments still strong among the aristocratic politicians, the Minister could and would do very much himself. He had his expert private secretary and then, across the gulf, were the clerks. Those days have gone, never to come again. The Departments are the State's and business is of professional dimensions and character.

The Permanent Secretaries have hitherto been and still are of much the same class and education as the Ministers, and the social ideals of the politician and the administrator are not irreconcilable. They have usually had perhaps more than twenty years of very varied official experience before they attain their position; and it is very rare for any to have served in only one Department; indeed, in the thirty principal Departments, twenty-three served in one or more other Departments. At that stage there is considerable transfer from Department to Department. Those entrants, who, tested by time, experience and comparison with their colleagues, have ascended to one of the first fifty positions in the Service, are, indeed,

men of high quality, and most of them deserve the tribute paid to Sir Arthur Hirtzel, Under-Secretary of State for India : " Hirtzel was a man of great intellectual attainments. This is almost a universal attribute of the higher ranks of the Civil Service . . . again and again in the critical years . . . his tact and great powers of concentration, understanding and decision saved the situation. He amazed Indians by his knowledge of their country, which he had never visited. This was due to prodigious reading, and experience gained and then stored by a most retentive memory, in a quarter of a century within the Service."<sup>1</sup> Ministers soon learn by taking cautious stock for a time, the respective zones of usefulness of themselves and their permanent subordinates. If they are too ignorant or lazy to learn, and it is proper to say that some have been, they are helped by their Cabinet colleagues, or they sink into pompous quiescence. In that case, the day-by-day administration runs routine-wise, while general policy is unchanged, or it is made by the initiative of Parliament or the Cabinet. The permanent staffs can be excused a little impatience with that Minister who cannot immediately understand their account of what two decades has taught them, as well as he who too rashly assumes that it may be learned and confuted in as many hours. John Stuart Mill, who served in the office of the East India Company for thirty-five years, said : " I have known public men, ministers, of more than ordinary natural capacity, who, on their first introduction to a department of business new to them, have excited the mirth of their inferiors by the air with which they announced as a truth hitherto set at nought, and brought to light by themselves, something which was probably the first thought of everybody who ever looked at the subject, given up as soon as he had got on to a second. It is true that a great statesman is he who knows when to depart from traditions, as well as when

<sup>1</sup> *The Times*, January 5th, 1937, in an " Appreciation," by " W."

to adhere to them. But it is a great mistake to suppose that he will do this better for being ignorant of the traditions. No one who does not thoroughly know the modes of action which common experience has sanctioned is capable of judging of the circumstances which require a departure from those ordinary modes of action."<sup>1</sup>

### **Minister and Department : Impartiality and Anonymity**

What, more precisely, is the duty of the official and his political chief? The convention which has grown up is known as that of political Impartiality or Neutrality of tendered advice and execution of commands. If this should fall under suspicion, we should be faced with the social tragedy that the political ministers who are unskilled and casual workers would hesitate to accept the skilled aid of the permanent experts. They would be tempted to remove those they distrusted and put their own "experts" in their place. They would deny the value and the possibility of the existence of objective science, natural, social, economic or administrative, and deprive the State, that is everyone, by depriving themselves, of all the benefits of knowledge from which the sepsis of partisanship has been removed. They would use "Left" Science or "Right" Science, but not plain Science; and the public welfare would be surrendered to "wishful" thinking.

Wilmerding, an American student, says:<sup>2</sup> "The duties of administrative civil servants with respect to policy are therefore twofold: first, to present fully and fairly to the head of the department all the material facts and considerations which bear upon any issue which he is called on to decide; second, themselves to decide such issues as are delegated to them by the head of the department" (p. 26). He further says: "In the performance of the second duty, needless to say,

<sup>1</sup> *Representative Government*, chapter V.

<sup>2</sup> *Government by Merit*, McGraw-Hill, 1935.

administrative officers are honour bound to decide issues as their superior would have decided them, had he been able fully to consider them himself " (p. 26). The interesting question is whether the officer shall go further than "to present fully and fairly." Does this mean that he is to behave as the impassive servant who speaks only when he is spoken to? Is he to put his advice in the least rhetorical of terms and to make a positive duty of being neutral and colourless? Is he to criticise the politician's proposals not merely with scientific freedom, but with warmth? This is a very important matter, and in England to-day there are two views current. No one, I think, excepting a few civil servants who happen to be excessively cautious and temperamentally above the battle, would sponsor the view that the civil servant is to be no more than a movable piece of office furniture. It is generally held that they should cultivate opinions, and that these would lead them to the forming of various proposals to promote the trust of their own Department. The view generally accepted is that so well expressed in the Dardanelles Report, which analysed the causes of the failure of the attack on the Dardanelles. It was shown that Admiral Fisher had taken too military a view of the obedience owed by the expert to the Minister. He had *insufficiently* pressed his advice: he desisted too early.

"It is the duty of the official not to resign but to state fully to the head of his department, and should any proper occasion arise, to other members of the Ministry, what is the nature of his views. Then, if after due consideration, those views are overruled, he should do his best to carry out the policy of the government, even although he may not be in personal agreement with it. . . . Undue loyalty would tend to cripple independence of thought, and would leave the Parliamentary heads of the various Departments without that healthy assistance which they have a right to expect, and which is at times much more likely to be rendered by reasonable and



deferential opposition than by mere agreement resting wholly on the ties of discipline." <sup>1</sup>

The late Sir Austen Chamberlain has recounted how when he was Postmaster-General he persisted in pressing a policy which the Permanent Secretary considered and tried to demonstrate was unwise. The Postmaster-General would not yield. "And then my eminent friend discharged the second valuable function of the civil servant. 'Well,' he said, 'if you will do a silly thing, of course you must, but is it essential to you to do it in that silly way?' And having done his utmost to dissuade me from doing it, he then showed me how to do it with the least friction and the smallest disadvantage." <sup>2</sup>

There is no doubt that the independence of mind of the official, his tenacity and unsubservient and candid persistence and initiative in pursuing and raising questions for the consideration of his political chief, are of considerable importance at the present time and will wax in importance with the transfer of more and more duties from private to public enterprise. We must ask not merely for assistance from the public servant but also for persuasion.

Yet, if it were an abdication and a public loss for the Administrator to be an automaton, set in motion only by the direct touch of the Minister, it might be not only deleterious, but even disastrous, in the long run, to introduce the rule that the Administrator is not merely to have a policy which he suggests to the Minister, but a mission which he attempts to impose upon him. There is a great temptation to take this latter view, for we are all impatiently interested in developing the social services, and, therefore, we are to the degree of our enthusiasm tempted to prescribe whatever instruments and processes we think necessary for these specific things, without regard to their compatibility with the

<sup>1</sup> *Dardanelles Report*, para. 91, Cd. 8490 of 1917.

<sup>2</sup> *Public Administration*, June 1930.

whole constitutional system. Our impatience with Parliament, especially when it is dominated by the Party we dislike, may awaken bureaucratic longings in us.

It is therefore necessary to be on guard against such temptations. If we went along in that direction, led on by specious phrases like "a more constructive type of individual" (see W. A. Robson, in *The Political Quarterly*, April-June 1936), it might not be long before we should arrive at nominally responsible government which is out of responsible control. Critics like Lord Hewart, and less responsible and public-spirited cavillers, would then be justified in their strictures about bureaucracy and despotism. If a Minister declares or stands for making slums instead of clearing them away, then, much as I should be unhappy about the existence of slums, I conceive it to be the duty of his permanent staff to make them, or resign. During the humiliating days when the Hoare-Laval proposals were under discussion, and especially in the House of Commons, December 19th, 1935, grave insinuations were made against the permanent head of the Foreign Office, Sir Robert Vansittart, for his part in obstructing an energetic anti-Italian policy. Since these opinions were first written their wholesomeness has been amply borne out by the outcry against Sir Maurice Hankey, Secretary to the Cabinet, for the alleged partiality of his evidence before the Inquiry into the Manufacture of Arms, in May 1936. Those who had vociferated most in demanding Civil Service "creativity" were precisely those who most keenly and loudly lamented Sir Maurice's exercise in creativity. That is where "constructive" civil servants land you!

Lord Morley once amended Vauvenargue's aphorism, "Great thoughts spring from the heart," by adding "and should go round by the head!" Policy should come principally from the Minister's heart, and reach the citizens as law and administration, after being sifted

through the Permanent Secretary's experience and mind. As I said earlier in this essay, the Permanent Secretary is rather like a permanent non-partisan Minister—he is the Minister's permanent other self. When Minister Brown's body lies a-mouldering out of office, his Departmental soul goes administering on—in the Permanent Secretary. Owing to the transfer from Department to Department the Permanent Secretary is not even a specialist. As Sir Warren Fisher has said, he is "rather the general adviser of the Minister, the general manager and controller under the Minister." It is the Minister's business to compass and imagine social amelioration, economic reforms, and the diplomatic patterns. From the permanent staff we ask the critical mind which can distinguish causes and consequences, distant as well as immediate repercussions and relationships, and the determination of ways and means. This relationship, of course, governs my view of the education and recruitment of the Administrative Class. It also gives point, I think, to need for the anonymity of officials. Their views, their advice, are private; their actions are anonymous. *Only the Minister has views and takes action.* If this convention is not obeyed, then civil servants may be publicly attacked by one Party and praised by another, and that must lead to a weakening of the principle of impartiality. Hence those, who for some occult reason, have on occasion supported the idea of publicly naming officials for praise or blame have followed an unwise course. Sir Warren Fisher has stated the desirable convention soundly:

"Determination of policy is the function of Ministers, and once a policy is determined it is the unquestioned and unquestionable business of the civil servant to strive to carry out that policy with precisely the same energy and precisely the same good will whether he agrees with it or not. That is axiomatic and will never be in dispute. At the same time it is the traditional duty of civil

servants, while decisions are being formulated, to make available to their political chiefs all the information and experience at their disposal, and to do this without fear or favour, irrespective of whether the advice thus tendered may accord or not with the Minister's initial view. The presentation to the Minister of relevant facts, the ascertainment and marshalling of which may often call *into play the whole organisation of a Department*, demands of the civil servant the greatest care. *The presentation of inferences from the facts equally demands from him all the wisdom and all the detachment he can command.*<sup>1</sup> The preservation of integrity, fearlessness and independence of thought and utterance in their private communion with Ministers of the experienced officials selected to fill the top posts in the Service is an essential principle in enlightened government as—whether or no Ministers can accept advice thus frankly placed at their disposal, and acceptance or rejection of such advice is exclusively a matter for their judgment—it enables him to be assured that their decisions are reached only after the relevant facts and the various considerations have so far as the machinery of government can secure, been definitely brought before their minds.”<sup>2</sup>

### The Public and the Service

In England, the general public is on the whole mildly indifferent to the existence and work of the Civil Service. There is, however, a general impression among moderately intelligent newspaper readers (which implies millions of citizens), that “red tape,” or unnecessary slowness and formality in the despatch of business, prevails; that civil servants without deserving it lead an enviably secure and stable life, permanently assured of short hours, good pay (in spite of the fact that about 20 per cent. receive 35s. or less per week; 3 per cent. between 35s. and 40s.; 11 per cent. between 40s. and 50s.; 17 per cent. between 50s. and 60s., and 14 per cent. between 60s. and 70s.), long

<sup>1</sup> Author's italics.

<sup>2</sup> Tomlin Commission, *Minutes of Evidence*, p. 1268.

holidays, pension rights, and not much work ; that incompetence goes unpunished. There is semi-jocular hostility, and one newspaper has spitefully crystallised this by its cartoon figures of Dilly and Dally, two "bureaucrats." Others play on the irony of the signature to official letters, "Your obedient Servant," when, they pretend, he writes as your despotic master! The vulgar newspapers and occasionally those of higher reputation, exaggerate this view, and spread this prejudiced ignorance among people who cannot possibly have an independently formed opinion upon such matters. It is enough for one instance by a petty clerk of delay, error, haughtiness, or corruption, to discredit the whole Service. The vaguely remembered descriptions of Dickens's Sir Tite Barnacle and the Circumlocution Office and the daily round of Anthony Trollope's three clerks lend a background of colour to more modern instances of inefficiency. Even Maurice Baring has confessed to high-spirited inkpot-throwing in the Embassy at St. Petersburg—but that was the Diplomatic Service. Every Englishman firmly believes he is a "sound" economist and the stern guardian of civic liberties. Ill provided as yet with civic education, he has the small deposit of knowledge that he pays taxes to the State and that civil servants are paid by the State. He has a little of the malice which even the most benevolent master still bears his servant, however capable. He is, therefore, easily alarmed when he is told that expenditure on the Departments is mounting up. One or two digits and several noughts cunningly arranged play havoc with his imagination. He speaks his mind, nay, he thunders, about the Civil Service and officialism, in the blunt way which is an Englishman's heritage, though he does not know what the money is spent on. If the civil servant renders a service, the complaint will be that it is rendered officiously and grudgingly ; if he is a tax-gatherer, the complaint will be that he is granite-hearted.

Civilisation is precarious in proportion as we forget the struggles that went to win it, and these are forgotten in proportion as the victory seems secure. The fruits of material civilisation, the health, security, peacefulness, the relief of the poor, the education, and the many other things administered and administrable only by the State, seem to him to have come with the soil and the trees, the mountains, the rivers, and the fogs, from nowhere in particular, and seem not to be dependent, as they are, for their continued existence, upon the toil of men and women who must live, and therefore be paid. Fascist countries have established a vast publicity to demonstrate that the Government is not an aggressor or a spendthrift, but Providence itself. Old-age pensioners are publicly presented with the certificate entitling them to this providential largesse. In democratic countries the pension is taken for granted, and the pensioner shambles, almost sneaks, into the little post office to suffer the crowning aggression—the receipt of 10s. a week! With some newspapers and other critics this attitude is made more irrational and uncompromising by their ferocious antagonism to State interference in industry.<sup>1</sup> Among the general

<sup>1</sup> Even the Anderson Committee on Pay, etc., which consisted of hard-headed business men, showed the inability of the man in the street to appreciate the work done by the Civil Service. It expressed (p. 27) a special criticism of the Inspectorate saying, "The public as taxpayers pay the salaries of the Inspectors, and, as consumers, the indirect cost with which these inspections burden industry. Without touching on policy we suggest that the Government should limit as much as possible the number of Ministries which have to interfere with each industry. It is in our view bad business that several Departments should be employed in carrying out inspections of one industry when it would be possible to focus the demands of Government in one inspection." Did this Committee realise what maladministration would follow if, say, an Excise Officer visiting a brewery were to go beyond his special work, and take to inspecting the ventilation and space arrangements, the protection of dangerous machinery, the remuneration of the staff, and the employment of young persons?

Cf. also Sir Ernest Benn, *Return to Laissez Faire*, and *Modern Government*.

population it was spread by the feeling against war-time administration. This feeling was, in part, carefully fostered by interested opponents of State interference. For the rest, it was a spontaneous protest against the galling restrictions of war-time, and some of these were, in truth, the product of nothing more than irrational fears. (But the trouble with a war is, that administratively as well as militarily, by the time you have learnt how to run it, it is over!) The discipline and the sacrifices of a modern nation under arms are necessarily bitter, and the Departments were the natural executives of war economy. What more natural then, than to grumble, and attribute the malaise of war not to its real causes, but to the Departments? Nor, in time of peace, are people ready enough to recognise that they cannot have benefits administered by the State unless they pay to it—through its agents, the officials—those obligations, in money, time and behaviour, which are the indispensable and only matrix of those benefits.

It is true that some officials are obstreperous and despotic; that some are lazy and unobliging; that some are of slow and sleepy intelligence. It is also true that some who arrive from the middle and upper classes regard a working-class man or woman as an object to be spoken down to and handled with some contempt as a culpable ignoramus. It is even true that some take high-handed action, without due authority, and believe that Government would act more wisely, swiftly and effectively, without the encumbrance of Parliament and the public. They speak, also, and write, in an incomprehensible jargon, deliberately designed, it seems, for mystification. On the plea of no authority, they multiply formalities. But the occasional revelations of administrative pathology are of superior efficacy in the creation of opinion than the steady meritorious work accomplished day by day, which, after all, is the foundation of English government. If private enterprise were subject to the same merciless licensed

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exposure by millions of customers, what shocking sights we should see! The public service suffers because it is the only business concern which does not advertise. Civil servants know this only too well, and at their professional meetings discussion often revolves about the methods of spreading real knowledge of the part actually played by the Civil Service in the modern State. Of recent years we have seen the rise of a new official, the Public Relations Officers (an American invention), in the Post Office and the Ministry of Health. Their business is to "project" the work done by their Department on to the mind of the public. The term "project" has been used rather than "propaganda," since the intention is not to persuade the acceptance of new policies or to apologise for inefficiency (that is the politician's responsibility), but to state objectively what is done. This is proper and beneficial, and the task can be carried out by releases to the Press, by pictorial and statistical posters, by films, by explanations on the wireless, by pamphlets, using colour, line and graphs. This is no more than education in citizenship. But the greatest care must be taken that the Public Relations Officer does not insensibly become a tout, defending the indefensible, doctoring the information, telling the truth but not *all* the truth, and carrying on, as it were, a "politics of the administration." It is better, too, to name him, as in the Ministry of Health, "Intelligence Officer," i.e. one who speaks when he is spoken to.

#### The Fundamentality of Political Control

Never more than to-day was it of profounder anxiety to declare the Fundamentality of Political Control. The first commandment of a civil servant is "Subservience!" Long reflection on this problem, especially in relation to the vastness of the field of public administration and its extensive and intensive expansion, leads me to the conclusion that though judicial and quasi-judicial procedure and standards provide some guarantees of fair



and beneficial administration, and though the codes of ethics, office discipline, and disciplinary sanctions, offer some guarantees of inventiveness, agility and fruitful administration, nothing is more important in our own day than the fundamentality of political control, or, put in another way, political responsibility. It is not without significance that England, which has, taken all in all, the best Civil Service in the world, first perfected its mechanism of popular and parliamentary control, and proceeded only then to invent and utilise a body of public officials. If it was an accident, it was a very happy accident.

It would seem to be a direct corollary of the increasing numbers in the public services that this problem should be given the pride of place. In private administration or business management the mainspring of the price-mechanism, with all its ramifications, ensures that business is fairly efficient within its own particular sphere of production. Price, the reward obtained in fairly free competition, embodies the consumers' control of private producers and acts almost automatically. (Of course, with the failing necessarily associated with production for *effective* demand only.) As von Mises has said,<sup>1</sup> it constitutes a continuous referendum on the quantity, quality and appropriateness of the time of production and delivery of goods and services. It may be that a producer (one may think in terms of a Civil Service producer in order to make the necessary comparison) wishes to make certain articles or perform certain services because he enjoys doing so, or is actuated by what he believes people *ought* to have. But, in fact, price settles the solvency of these practices ; and unless the producer caters for effective demand, he will soon cease to cater at all. Similarly, there may be a good and zealous Civil Service working ferociously at things that it likes to do, or pushing ahead in its own particular Department because it believes the product

<sup>1</sup> *Socialism*, Cape, 1936.

to be all-important in the public interest. Yet it, too, may not produce what the public desires and for which it is taxed to pay. Now many of the noblest human ideals cannot be realised by a price-controlled system, because such a system caters only for demand which is effective, which is supported by the ability to pay, and not for demand which is virtuous but impecunious. At this point public administration is created to fill the lacunæ in the system of private enterprise. This necessarily means that in every branch of public administration there is an element which is free of the consumer-fear and consumer-control which discipline the activities of business.

If the extremely efficient correcting-rod of price is abolished, what is to take its place? It is idle to put too much faith, though some faith must be put, in staff discipline or promotion methods or efficiency ratings and the rest, for these correspond merely to subordinate business management. They are instrumental rather than causative. They do not affect policy or direction or the spirit in which the enterprise is conducted. When the consumers individually are excluded from individual control of the producer, then all the consumers massed together as the electorate, and operating through a representative body, must control with political sanctions the producers in the Civil Service, so that those who do not fulfil their wishes can be corrected or replaced. Any slackness of control means producer's tyranny. Already the experience of the British semi-public corporations, like the B.B.C., recently created in the hope of combining the flexibility and inventiveness of private business with public responsibility, have shown the weaknesses of, as Sir John Reith might have it, producer's "idealism," properly causing considerable alarm. Those with sovereign executive power over us must be most rigorously made to answer for their actions and respond to our protests. At the other end of the scale, in the Russian Communist system, the

producers have had to be brought under a severity of control which must make the hair of the old socialist-syndicalists stand on end. Not merely has Russia had to rely upon elective councils of various kinds, but it has been obliged to use the millions of members of the Communist Party—"fulfilment brigades" and the rest—to harness and spur the producers to the satisfaction of the wants of the consumer. Subservience to the consumer is the first commandment. For advice and information we need freedom from political control or interference; for executive action, strict subjection to it.

### **The House of Commons and the Service**

Within this general setting, the House of Commons prides itself upon its role as the grand inquest of the nation. It has never attempted actually to control the work of the Departments, to interfere with their daily work. It is satisfied that it can bring the Minister to account for this. But it never ceases to watch, nor does it ever omit to challenge, the day-by-day administration. This, indeed, is the strength and special function of the Opposition, but generally it acts temperately, on the rule that the public good is its primary object, and mere partisanship a subordinate indulgence. The House stands on guard against the assumption of unwarranted powers which threaten the liberties of the citizens, in almost exactly the same way as in days gone by it contrived that the prerogatives of the Crown should be converted into the privileges of the people. It is extremely doubtful whether the House has rationalised its methods of control to match the magnitude and character of its change.

Parliament exercises control in its twenty days of debate upon the Estimates, and the dozen days or so of discussions of the King's Speech and during debates on the adjournment of the House. These occasions are troublesome to the Government and salutary; for though the Government is certain never to be outvoted,

an incisive attack, when organised by even a dull-witted Opposition working as a team, can make Ministers look very sick and wan. The Government always thinks the occasions are too frequent; the Opposition, far too few; the citizen must wish that there were some additions, but not so many as to give Cabinet and Civil Service continual vertigo.

Control comes more particularly through Parliament's daily question-hour. About a hundred questions are every day put down by members to be asked of Ministers in the House. Notice, of course, is given of the questions, and the Department prepares the answers, some of which are written, but the most important of which (over one-half of the total) the Minister answers orally—with his eye carefully on his notes, prepared for him by his Department. The only way in which the vigilance of the House can be met, is by a satisfactory answer, and the best preparation for such an answer is flawless administration. For the Member may put, verbally and immediately, "supplementary" questions, the average is about seventy a day, and these may and do easily reveal any shortcomings. The Minister's own political future and certainly his immediate happiness, depend on the confidence of the House of Commons in him, and he cannot bear being discomfited among his peers. The writing on the heart of an official detailed to loiter near the Speaker's Chair in the House in order to whisper his promptings to Ministers would doubtlessly run: "I watched the clock, but the hands seemed never to move to a quarter to four!" Too often the answers given to questions glide lightly over palpable mismanagement, the members of the House are tickled by the apt substitution of wit for candour, and a roar of laughter drowns the question and rescues the Minister. Yet this must not cause us to underestimate their formidable power. The process looks easy, but it is hard. It may not kill, as the enthusiast might wish, but it corrects. No other

parliament in the world has invented an instrument of control so easily handled even by the merest beginner, so admonitory and corrective : it is flaying without slaying. Nearly 10,000 oral questions in a session, and over 10,000 supplementaries!

There is, however, a considerable body of opinion in all Parties, and among students of government that the Committee system of the House of Commons should be reformed to meet the necessity of closer control. Parallel with every Department there should be a Parliamentary Committee of about forty members, representing all Parties proportionately to strength in the House. They should pursue questions not adequately answered in the House, and make independent investigations and reports. No part of Bentham's philosophy was so sound as his belief in the cleansing effect of publicity. They would also, in the spirit of the *Report on Ministers' Powers* (p. 62ff), examine the draft rules falling within their purview. But their functions should be without that character of undue meddlesomeness which we, in England, have been taught is the character of French Parliamentary Commissions. For it is not the function of Parliament to administer! Further, there should be a careful review of the official information provided in the annual reports of the various Departments in order to improve their comprehensiveness and organisation. And every Department should be subject to a Royal Commission investigation at septennial intervals.

One thing further must be added. The English Parliament does not distrust the Civil Service, nor is it jealous of it. It makes no claim to compete with it, and does not act in the belief that the Service is its rival. There is, in fact, a delicate balance between jealousy and trust : jealousy checks, and trust liberates, and both are measured out subconsciously amidst the heat and dust of business in the interest of the public welfare. Between the legislature and the Service there

reigns a gratifying mutual respect, to a degree unknown in France and the U.S.A. Each knows the claim of the common master : *Res publica*. The Civil Service often chuckles, while Parliament always watches with half-closed eyes, but it would be a mistake to imagine that it is therefore nearly asleep. At any moment it may start up and shout " Fire! "

### The Civic Rights of Civil Servants

" Is it necessary or desirable, in the public interest, to place any restriction upon the exercise of full rights of citizenship by those citizens who are members of the Civil Service ? " This important question was as stated by the MacDonald Commission of 1910-14. Early attempts at severing the connection between the Civil Service and politics have already been mentioned. But the specific rule that " any officer seeking a seat in the House of Commons shall resign his office as soon as he issues his address to the electors, or in any other manner publicly announces himself as a candidate," dates from 1884, and was finally embodied in Clause 16 of the Order in Council of 1910.<sup>1</sup>

Civil servants were and are allowed the free exercise of their franchise and to participate in political affairs, but it is a custom that " employees of the Civil Service should take no overt part in public political affairs;" and there are Departmental rules which forbid civil servants to serve on election committees, to support or oppose any particular candidate or party either by public speaking or writing. The rule relating to candidatures for Parliament had not been written until 1884, but it was an established usage. The reasons for this exclusion of civil servants, given in the Treasury declaration of 1884, hold good at the present time. There would be public injury caused " by any departure from the conditions which, under Parliamentary Government, render a Permanent Civil Service possible, and

<sup>1</sup> Cf. *Theory and Practice of Modern Government*, Vol. II. 1384 ff.

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. . . among those conditions the essential one is that the members of such a service should remain free to serve the Government of the day, without necessarily exposing themselves to public charges of inconsistency or insincerity." Candidatures for county councils and other local bodies, forbidden until 1909, were from that date left to the discretion of the Departmental Head in particular cases, "provided that the duties involved in such candidatures or service should not conflict with the personal performance of the officer's duties to the Department." But officers in the Army and Navy are allowed to be parliamentary candidates, and, upon election, are merely seconded and not compelled to resign from the Service.

Civil servants, with the exception of most of the higher officers, who are by the nature of their duties constantly in contact with politics, have continuously claimed the full extent of political rights. They point to the greater freedom of officers of the armed forces in this respect, and of the dockyard workers, compared with the limitations placed upon postal and customs officials. They observe that they are usually better equipped with knowledge and experience of social problems, and argue that civil servants ought to take as keen an interest and as controversial a part in partisan politics as any other citizen. This does not impair their loyalty in administering a contrary policy, "and in place of the existing restrictions on the expression of those views, all that was required was a code of professional discretion such as that expected of barristers and solicitors." They rely upon a "professional ethic."

A Treasury Committee (before which I gave evidence), under the Chairmanship of Lord Blanesburgh, after a careful enquiry, reported on this question in 1925.<sup>1</sup> "The question," according to this Committee, "from the point of view of the State, becomes not one of 'civil rights,' but one of administrative efficiency."

<sup>1</sup> Report, Cmd. 2408, 1925.

The gravamen of the situation in the eyes of the whole Committee was this. "The constantly extending disposition of Parliament to entrust the exercise of quasi-judicial duties to executive departments without providing any of the established safeguards operative against judicial excess—such as publicity, right of audience to parties affected, statement of reasons for judgment, right of appeal and the like—as well as the sharper alignment of political parties in these days, unite to make the high reputation for political impartiality hitherto enjoyed by the public service a more valuable national possession than ever before. We can feel no doubt that the confidence universally held in the existence of such impartiality is a most valuable guarantee for its continuance, and we can have no assurance that the existing ethic of the Service would long survive that confidence if it were once lost."

The Committee rejected the possibility that an alternative career, that of politics, should be opened up to the Civil Service. It would take some experienced servants from the Service, and distract others by aspirations which would fail of realisation. They were afraid that a public servant would use his official position to help his political career and his political career to affect his official position. They recommended that the position in regard to municipal government should be left as it stood at the time, i.e. left to Departmental discretion, subject to no moral or material interference with official duties. In regard to parliamentary candidatures the existing Civil Service rule, resignation on candidature, was to continue in effect. To this rule there were exceptions which divided the Committee. All the Committee agreed that certain industrial staffs should be excepted, i.e. the industrial staffs under the fighting departments. Some went further and agreed that there should be an exception of the industrial staffs in all Departments, and the manipulative and some other 'subordinate grades. But even here certain reservations were



included : political activity in official uniform or in the area of official service were forbidden. An Order in Council of July 25th, 1927, put these *recommendations* into effect. Industrial staffs are barred as hitherto. The Ministry of Health, the Ministry of Transport, the Unemployment Assistance Branch and the Ministry of Labour, which have close relations with the local authorities, prohibit their officials from standing for local government councillorship. This situation is still a source of great dissatisfaction to the keener among the Civil Service grades between the manipulative class at the bottom and the administrative grade at the top. But the neutrality of the Civil Service in a democratic State is a paramount consideration. In Nazi Germany the Civil Service is not neutral—on the contrary it is especially and ostentatiously indoctrinated in order to be a more pliant tool of the Führer.

### **Associations and Strikes**

A question which has assumed great interest since the General Strike of May 1926 is the affiliation of Civil Service Associations to the Labour Movement. No law then forbade any Civil Service Association to affiliate with outside bodies ; just as none forbade civil servants to associate. For, historically, the predominant purpose of English statesmen has been liberty, not security and order. The grades of the Service below the administrative have always felt their communion with the Labour Movement. The theory of the Treasury in regard to the pay and conditions of the Civil Service is that it ought *not to pay more than any good employer outside the Service*. Thus it is the interest of the associations within the Service to co-operate with the trade unions outside the Service to raise the general rate of wages and improve the conditions of labour. Further, the Service associations recognise the fraternal duty of uniting with other Labour forces to increase their strength and give them aid in overcoming the hurtful qualities of

the present organisation of industry, commerce and society.

The consequence of this point of view was that the Civil Service was grouped in associations, which, with small exceptions, were affiliated to the Labour Party and the Trades Union Congress.

There was and still is a fairly sharp division of character and attitude between the big clerical and manipulative associations and the higher professional grades of the Service. It is roughly a division between those who take orders and those in positions of command. Those who take orders are, in the mass, allied with the Labour movement; the rest are on the whole satisfied with the State as it is, and are sufficiently well-off not to feel the spur to join the party of criticism and reconstruction. They tend to regard the lower ranks as "inferiors," perhaps not quite gentlemen. The point of unity between all is their representation on the Staff Side of the Whitley Council, and even this suffered a regrettable disruption after the General Strike, when the National Whitley Council Staff Side advised its constituent bodies not to volunteer for extraordinary Government service, a policy to which the officials of the higher grades objected.

There were affiliated to the Labour Party about 150,000 civil servants: the Union of Postal Workers, 90,000; the Civil Service Clerical Association with 20,000; the Sorting Assistants with 1,000; the Post Office Engineering Union with 20,000; and the Customs and Preventive Staff, 1,000. All these, together with the Association of Tax Officers, were affiliated to the Trades Union Council.

Prior to the General Strike of 1926 affiliation had raised no great controversy, though the affiliating associations were conscious of their peculiar situation—servants of the State yet loyal to a party whose intention it is fundamentally to alter the nature of that State. The question had also been raised by the Commission of

1914, but this body only described the nature of the problem and its difficulty, and recommended a special inquiry the scope of which it carefully defined. The issue was forcibly impressed upon the public attention during the strike. Firstly, the State, it was said, could not be sure of the uninterrupted service of those who belong to affiliated associations, since they are liable to be recommended to go on strike at any moment. Secondly, the State had the right to expect members of the Civil Service to volunteer for any duties consequent upon the emergency. Civil servants enjoyed the special advantage of being in a "sheltered" occupation, and the price of this was political neutrality.

Latent in these statements is a philosophy which needs formulation and forceful emphasis. Briefly, it is this. The life of modern society is highly organised, it depends upon a delicate counterpoise of freedom and subordination of the elements alive in it. The indispensable basis of its high material welfare (to speak of no other of the many aspects of its life, most of which are dependent on the material foundation) is the intricate subdivision of labour among independent, specialised, and well-nigh non-versatile economic groups. These base their activity upon carefully and minutely calculated anticipation and probabilities of the demand for and supply of goods and services. One of the innumerable factors in this calculation changed by an undue interruption of supply, e.g. a strike in one industry of importance, may do grievous harm to the life of other parts of the community, who, so far from being *immediate parties to the dispute*, do not even know what it is about. The State must maintain the continuous fulfilment of social expectations. And in proportion as these are vital to social existence obedience to the State must be unconditional. Of such a character are the public services, and the right to strike, which is the right to interrupt the continuity of function, must be denied. Affiliation with economic groups who accept

the principle of the sympathetic strike and the "solidarity of labour" must be under the same ban.

Against this view the attitude of the Civil Service Associations was well put in the ballot paper issued to members of the Civil Service Clerical Association, which, finding many dissentients among its ranks, took a referendum on the question. Two of the arguments sufficiently indicate the attitude which was vindicated at the referendum by a four to one majority of the membership. First, "it is untrue that the General Council has any power to call out anyone on strike, or that it has the power to compulsorily<sup>1</sup> levy the funds of affiliated unions. All that the General Council can do is to make requests to affiliated unions, but each union has liberty to decide if it will comply or not comply with the request." And secondly, "as regards the position of civil servants as servants of the State, there is no necessary inconsistency between civil servants doing their work faithfully and well, and yet at the same time being federated with other bodies of wage-earners, through the Trades Union Congress, for the protection of their wage interest. . . . Nor does affiliation necessarily involve support of a General Strike. The Association's delegates could speak and vote against such a strike, and would not have to support it if it were called."

Any rational consideration of the whole problem was made impossible by the events of the General Strike, which had partly been provoked by Conservatives, who thought the coal dispute a good opportunity of teaching Labour a lesson. The Conservatives, who for years had been prevented by Mr. Baldwin and the moderates from curbing the financial assistance given by the trade unions to the Labour Party, now took the opportunity of a mood of panic to alter the rules of the game. The Trades Disputes Act of 1927 was passed.

<sup>1</sup> This split infinitive must have pained many of the Administrative Class !

This, and the Civil Service (Approved Associations) Regulations, 1927, No. 800, made by the Treasury, determine the present situation. No established civil servant may be a member, delegate or representative of any organisation of which the primary object is to influence or affect the remunerations and conditions of employment of its members, unless the organisation has been approved by the Treasury. The Treasury certifies approval if (a) the association is confined to persons employed by the Crown, (b) it is in all respects independent of, and not affiliated to, other such associations or federations including them, not confined to civil servants, (c) its objects must not include political objects, (d) it is not associated with any political party or organisation directly or indirectly. The association applies for approval through the Chief Registrar of Friendly Societies, which is the advisory and reporting body to the Treasury. Thus the associations have been converted into "company unions," the company being the State. They have been formally sundered from their fellows.

What is the wisest policy in this matter? Should affiliation be forbidden by the State? Should the right to strike be legally denied?

Now these questions cannot be answered, as it were, in a vacuum. In itself it is neither desirable nor undesirable that anyone should join associations or other persons with a combative purpose, nor that people shall be injured by a strike. The answer to the questions depends entirely upon the nature of the society in which such questions arise. We must, therefore, make a distinction between the present condition of society and that of some future day when social purpose has had a reformative influence. If present-day society is constituted so that it cannot rationally be defended, it may be that the only way to alter things is to affiliate and to strike. It is a matter of urgency and necessity. To deny the right is to force

the resentment down deeper, and to court disaster on really critical occasions. If civil servants had no cause to be aggressive it would be sheer waste of money and energy to affiliate, and they would be fools if they did so. What causes have they, then, to join forces with the trade unions?

In the first place the State is not such a good employer, such a "model," as it is sometimes claimed to be, and as so many theorists and politicians argue that it should be. The Treasury continually compares pay inside the Service with pay outside, and on the whole it is little, if at all, better than outside employers. When it has been able to pay less than Fair Relativity would require, it has paid less. It has been positively harsh. The State, therefore, cannot expect to obtain more consideration from its employees than other employees give to their employers—in any case not to the extent of their giving up their right to affiliate with other associations who are trying to keep up the level of pay. Should the State insist on such a severance it can secure it, but by coercion and not on the merits of the case. Secondly, the Civil Service associations federate with other wage-earners out of sympathy with their general policy of social reform. Now that sympathy, in so far as it is at all well-founded, will not evaporate by government command. The State must consider that such sympathy will probably continue to exist though affiliation is forbidden, and civil servants may still refuse to volunteer to help a government during a serious strike of other wage-earners.

It is true that mere association and affiliation intensify unrest. But it does no more than intensify it: it is not the prime cause. No government can expect unrest to disappear until it has made a valiant and honest effort to cast out its underlying social causes. Agitation is only another name for vociferous dissent. Ought the Government to forbid this general organised dissent?

On this point governments may take their stand on one of two grounds: sovereignty, or social necessity. A government may argue that in spite of the apparent wisdom of what has already been said it must still oblige its servants to give up the freedom to affiliate and go on strike, because the State is the sovereign authority, and this authority must not be brought into contempt. That itself is a contemptibly weak position, since it does not rise to the dignity of an argument, and it can only be based on partisan force—like the statute of 1927. Secondly, a government may base its coercive attitude on the ground of social necessities. This is a sounder position than any of those so far advanced, and it ought not to be lightly rejected. It is held by modern democracies like Australia and New Zealand as well as absolute States. Government is a difficult job; and society, as we have explained, is vitally dependent upon its basic industries and public utilities. The right to affiliate does not imply the right to strike; the former may be left intact without entailing the latter. Civil servants in this country, as shown during the General Strike, are sufficiently responsible-minded to make a voluntary concession for “essential” services. Conservative governments are too ready to assume that they alone are the State.

The strike, of course, is really forbidden by the nature of State employment. The civil servant has no ordinary contract with the Head of the Department, for he is the direct representative of the Crown. The civil servant's duties are settled by the Treasury and the Head of the Department, and the disciplinary power is vested in the latter. If there is absence from work, or disobedience, outside the conditions laid down by the State, in collaboration but *not in contract* with its officials, they can be dismissed with partial or full loss of pension rights in the full discretion of the Treasury. Is this not strong enough for a Conservative government?

To destroy the right of affiliation looks like partisan spite.

On the whole, then, the State is unwise to limit a right which the social environment makes necessary, and which has not been and is not likely to be harmful to it. When the State is better regulated, the whole question will take on a different character ; for the more the State gives the more has it a right to ask—the more, indeed, must it ask. One thing is certain : if the State, i.e. the public, which is the civil servant's master, puts civic restrictions on the civil servant, then the public ought to put itself under obligation to him. It ought to give the fullest opportunity for the ventilation and redress of grievances and the adjustment of conditions of work ; it ought also to give great attention to questions of disciplinary procedure. The Whitley Council system and the Industrial Court have gone some way towards satisfying the conditions.

### Legal Liability

England differs from France and Germany in having no administrative tribunals. Each civil servant is personally liable for tortious acts done in the course of his official duties, or outside, before the ordinary courts of the country, and on precisely the same terms as the ordinary citizen. There are advantages in this system. First, the Civil Servant is obliged to be careful in the use of his powers since he will be personally responsible for any wrong he does to a member of the public. Secondly, the Courts will not grant him any immunity from responsibility denied to other citizens. The latter advantage has been considered by Dicey, in his *Law of the Constitution*, to be an immense superiority over the French practice of *droit administratif*, which he wrongly construed as being primarily established to shelter the Executive against punishment for wrongs. It certainly does seem to bring home with all severity the responsibility of the individual official to be careful



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to avoid injuries to the person and property of the citizens with whom he has dealings. For the law is that he cannot *wrong* a citizen in person or property without warrant of statute, statutory rule or sound Common Law permission, and the Department will not stand good for the damage he has done. The English practice does, indeed, give the appearance of an efficient safeguard of liberties. But, on closer view, this safeguard is found to be insubstantial. Secondly, the vast growth of the Service has made it quite out of date, and necessitates the introduction of conceptions we have hitherto ignorantly sneered at as being Continental, that is, the acceptance of liability for tort by the State, with subsequent power of recoupment from and disciplinary punishment of the civil servant. For the civil servant who abuses his power may be too poor to offer redress. He may, in the actual heat of exercising his duty, and perhaps impressed by urgency, or in sheer excusable absence of mind or not culpable ignorance, have forgotten his limits and responsibility not so much to the citizen as to the words of a statute. The natural thing would be, then, to sue the Department whose orders he was carrying out. That, after all, is the master, and the official is its servant, paid, dirigible, and dismissable by the Department. The doctrine of the common law, *qui facit per alium facit per se*, would seem fairly to fit the modern Department of State, which is no longer concerned mainly with the mere police functions of helping order and detecting crime, but in rendering services. But English law makes it almost impossible to sue a *Department* for breach of contract, and quite impossible to sue it for any other wrong. For all the Departments are considered to be "emanations of the Crown," to bask in the Royal Prerogative, i.e. they are as exempt from suit as the Crown, which can do no wrong. We are still troubled by the ancient and unfortunate identification of State, Crown, and His Majesty.

This medieval doctrine was, perhaps, proper to a day when the Crown's services were the provision of justice and the defence of the country. About those services the monarch might not be questioned—they ultimately demand the use of unquestionable authority, an arbitrary sovereignty. When society is in the region of force and terror it cannot reflect or stop to hear arguments. But since then the State has taken to itself a vast sphere of functions till recently in the hands of private enterprise. Why, if a B.B.C. official infringes a patent or injures a passer-by with a ladder or a hammer should the B.B.C. be responsible, while if the Corporation had, as it might well have, been a Department should it have been immune? It is not just that the Crown should nowadays be any more immune from legal action than any company or municipality. When Chief Justice Cockburn in *Feather v. R.* (1865) upheld the existing principles, which, he said, "are alike essential to uphold the dignity of the Crown on the one hand and the rights and liberties of the subject on the other," his terms "the dignity of the Crown," and "the subject" are not descriptive of the activities of the modern civil servant or that strange master, the public, which is often served well, but may be served badly. In 1927, a learned and experienced Committee under Lord Hewart, that stout defender of individual rights, examined the problems indicated above and reported the need for amendment (*Crown Proceedings Committee*, Cmd. 1842, 1927). The Report consists substantially of a draft Bill entitled the Crown Proceedings Bill, and it proposes far-reaching modifications in the law. Lord Haldane, in 1924, had requested the Committee to prepare a Bill on the assumption that the following alterations in law were both desirable and feasible: (a) that the procedure by Information and Petition of Right should be abolished and the procedure in cases in which the Crown was a litigant should be assimilated, as far as possible, to the procedure

regulating the conduct of cases between subjects, including such matters as discovery, the receiving and paying of costs by the Crown and the like ;

(b) that the Crown, with certain reservations, should be placed in the same position as a subject as regards the power and liability to sue and be sued in the county courts ;

(c) that the Crown should become liable to be sued in tort.

Part II of the Bill, entitled Substantive Rights, makes the Crown liable in tort, and by Sec. II, sub-sec. 2, " liable for any wrongful act done, or any neglect or default committed by an officer of the Crown in the same manner and to the same extent as that in and to which a principal, being a private person, is liable for any wrongful act done, or any neglect or default committed, by his agent, and for the purposes of this subsection, and without prejudice to the generality thereof, any officer of the Crown acting, or purporting in good faith to be acting, in pursuance of a duty imposed by law shall be deemed to be the agent of and to be acting under the instructions of the Crown."

The Committee made no recommendation as to the desirability or feasibility of its proposals. Nor has the Bill been proceeded with.

## CHAPTER VII

### THE CHARGE OF DESPOTISM

SINCE the war the perennial criticism of the Civil Service has come to an exciting head: in 1926, issuing in a House of Commons debate, and about 1930 most forcibly expressed in Chief Justice Hewart's *The New Despotism*. The former was a plain Conservative political attack, the latter a judicial attack, and some would affirm the need to add the epithet "conservative."

In this chapter we begin by noticing the nature of the political attack, but postpone its full treatment until Chapter VIII. We proceed to analyse the nature and justification of the judicial attack. In the concluding chapter (VIII), we express and meet current criticism of Civil Service activity, especially in the light of its future extension.

The debate of 1926 centred on the resolution, "That, in the opinion of this House, the Civil Service has merited the gratitude of the nation, but that its continued efficiency depends upon the control of that Service by His Majesty's Ministers responsible to this House, upon the strict maintenance of its constitutional position as a subordinate branch of administration, and upon the continuance of those traditions by which it has been animated in the past."<sup>1</sup> The mover, the late Sir Henry Craik, a Conservative member, was for thirty-five years a civil servant, twenty years of which were spent as Permanent Head of the Scottish Department of Education. The general burden of his complaint

<sup>1</sup> *Parliamentary Debates*, April 14th, 1926.

was that civil servants were seeking to overpower Ministers ; that they were attempting to rid themselves of their traditional anonymity ; that upon retirement some took directorships in the City. Particularly was this member vexed by his recent observation that the Permanent Secretary to the Treasury had been referred to as Head of the Civil Service. (This is all astonishingly like Dunning's resolution on the increasing powers of the Crown, and the earlier parliamentary impeachment of Walpole, partly on the ground of usurpation and the taking of the title of Prime Minister.) This seemed to Sir Henry a symptom that the Civil Service was coming to overshadow the authority of Parliament. But Mr. Sidney Webb, who had then held Ministerial office for a year, and who is rather more expert on problems of government than Sir Henry, following in the debate, showed that the fears were groundless, though he too deprecated the taking of directorships in the City.

The fears were, in actual fact, highly exaggerated. But the general uneasiness betrayed in their utterance, is shared by many people. It is part of an attitude towards the Service closely connected with the imminence of Socialism. As such we postpone the general examination of this uneasiness to the final summing up of this study. But the question of the taking of directorships on retirement from the Service might be discussed at once, for ten years after the debate, occurred the unfortunate Bullock case. I incline to the view that nothing drastic should be done about the matter. It is true that the prospect of going into the City may make a civil servant consciously or unconsciously more favourable to private enterprise than his position warrants. The damage done may, perhaps, be serious because old friendships are maintained, and information and approaches may be available thereby, which can be used for the benefit of private interests—they may even approximate to contravention of the Official Secrets Acts. Though the number of cases of

retirement to enter the private industry is small, it is increasing and a feeling of uncertainty and a flavour of graft may rise like unwholesome vapours and drift about in the public mind. Yet it is not healthy to forbid those who wish to leave the Service from doing so—it is healthier to secure their early exit. If a contingent exit from the Service into the City is absolutely barred, some capable people may be dissuaded from entering the Service, not because they normally enter with the idea of leaving at a favourable juncture, but because many prohibitions give the effect that one is entering a prison-house. "Abandon Hope, all ye who enter here!" is not a happy greeting for a young public servant. I am of the opinion that a Treasury Circular, deprecating, but not forbidding, longings for a City career, with the reasons for this course, based on the character and dignity of the public service, should suffice. The rest might be taught in that philosophy of public service, which should be part of the training of the civil servant outlined in the final pages of this essay. The phenomenon is a troubling one, because besides raising problems of undue influence there is the loss to the Service of men of experience, and, further, for every man who leaves to take a more lucrative post outside the Service, there are others who nurse resentment because they were not in the conspicuous positions which attracted the enviable invitations.

### The Judicial Attack

The second crest of criticism came in 1930, with the publication of the Lord Chief Justice's *The New Despotism*. Pungent with a non-judicial anxiety, it was evidently in Lord Hewart's opinion still not acrid enough, for his Prefatory Note says: "An exhaustive examination of the pretensions and encroachments of bureaucracy—the new despotism—must await greater leisure and another occasion." This is the charge: "A little enquiry will serve to show that there is now, and for

some years past has been, a persistent influence at work which, whatever the motives or the intentions that support it may be thought to be, undoubtedly has the effect of placing a large and increasing field of departmental authority and activity beyond the reach of the ordinary law " (p. 11). He refers to the Civil Service, " an organised and diligent minority, equipped with convenient drafts, and employing after a fashion part of the machinery of representative institutions, is steadily increasing the range and the power of departmental authority and withdrawing its operations more and more from the jurisdiction of the courts" (p. 12).

It is not within the purpose or extent of this essay to traverse the whole subject of Administrative Law which is here posed, but attention may be focused upon a criticism directed to the summary of the attack made by the Lord Chief Justice himself. This is most conveniently accomplished by stating Lord Hewart's charges in italics, and glossing them *seriatim*. He says, the essence of the faith of " the ardent bureaucrat " (which already begs the question whether in the English system such a person is possible or existent) " might perhaps be indicated in some such creed as this :

" 1. *The Business of the Executive is to Govern.*"

*Gloss:* But the Executive, including the Civil Service, does not interpret this as to govern, without qualification. They have a sense of responsibility derived from the traditions and conventions of responsible government. There are external limits in Parliament, the political Committees in the constituencies, and the hundreds of associations which protect vested interests from the arbitrary action of the Government. In some cases, for example, the Board of Trade Committee for Merchant Shipping Regulations, the latter are given a statutory consultative and advisory position, while in

other cases, without statutory compulsion they are nevertheless consulted *ad nauseam*. There are the Law Courts holding Government in check by doctrine and judgments against malfeasance, non-feasance, negligence, and *ultra vires* action in general. Of these limitations on the arbitrary, civil servants are acutely aware and respectful, from education and experience.

“ 2. *The only persons fit to govern are Experts.*”

*Gloss:* Here and there in the Civil Service there may be a fanatic who thinks this, just as in the political parties there are extremists who believe that the only persons fit to govern are dictators, or occupants of the Bench who believe that the country would be better off if the Law Courts had the power to stultify parliamentary and executive social policy by strained interpretations of the words of statutes, where possible. But the numbers are negligible ; they certainly are not great enough to bolster up a case, still less such a violent case as the Lord Chief Justice pretends to sponsor. On at least four outstanding occasions the Courts could discover no stain of the arbitrary on the civil servants' honour, viz. in *Lockwood's Case* (1894), *Board of Education and Rice* (1909), *Arlidge v. L.G.B.* (1913), the *Yaffé's case* (1930). Civil servants do *not* believe that government should be confined to experts. To the dismay of some social reformers, and by the evidence of Ministers, they tend to be over-cautious. They believe that they can assist Ministers and Parliament to avoid making mistakes—and they are right. They spend many years in studying technical and local detail—and Parliament and the Ministers do not. They are permanent, while both Parliaments and Cabinets are discontinuous. Consequently it is convenient, and Parliament has deliberately acknowledged the convenience, to impose on the Departments the burden of making so-called “ skeleton ” or “ subsidiary ” or “ delegated ” legislation to fill out concretely, and apply,



the general principles, for that is all for which Parliament has the time, mind and technique. So much is proved up to the hilt by the *Report of the Committee on Ministers' Powers*, set up by Lord Sankey in October 1929, "to consider the powers exercised by or under the direction of (or by persons or bodies appointed especially by) Ministers of the Crown by way of (a) delegated legislation and (b) judicial or quasi-judicial decision and to report what safeguards are necessary. . . ." The Committee rejected Lord Hewart's charges, saying, "we see nothing to justify any lowering of the country's high opinion of its Civil Service or any reflection on its sense of justice, or any ground for a belief that our constitutional machinery is developing in directions which are fundamentally wrong." Sir William Graham Harrison<sup>1</sup> and Mr. C. T. Carr<sup>2</sup> showed conclusively the technical inevitability and desirability of their departmental powers. No one has the right to insinuate that the Treasury permits the employment of a single expert more than parliamentary command renders essential.

"3. *The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, 'think themselves worthy of great things, being worthy.'*"

Gloss: The Lord Chief Justice enjoyed making the quotation—the rest is no more than a sarcastic fling with a value no higher than the delight it must have afforded its author.

"4. *But the expert must deal with things as they are. The 'four-square man' makes the best of the circumstances in which he finds himself.*"

Gloss: Here is the introduction of a sinister note: men beset with difficulties during an unholy crusade, and callously intent on *any* way out! This sinister

<sup>1</sup> Head of the Office of Treasury Counsel, i.e. the office responsible for drafting Statutes and Orders.

<sup>2</sup> Editor of the Statutory Rules and Orders.

purpose is completely disproved by the *Evidence and Report of the Committee on Ministers' Powers*.

"5. *Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the Rule of Law.*"

Gloss: It would be more judicious to confess that the expert bows not unwillingly to the final command of these two monitors in English political life. The sovereignty of Parliament means that when Parliament has unmistakably expressed its will by statute or resolution, the Executive, including the Civil Service, and Lord Hewart knows, the Law Courts also, obey to the best of that ability. If there is latitude for discretion, then Parliament has either intended it or not: if the former *cadit quæstio*; if the latter, then Parliament is at fault, and ought not to blame the expert. Lord Hewart's charge is an indictment of parliamentary procedure rather than of the Civil Service. It can overcome this negligent delegation of power by pulling itself together, by more sedulous attendance and attention, and by establishing the arrangements proposed by the Committee on Ministers' powers.

Then there is the Rule of Law. In Dicey's famous definition this is: (1) "the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power, and excludes the existence of arbitrariness, of prerogative, or even of wide discretionary authority on the part of Government;" (2) "the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts;" and (3) "the rules which in foreign countries naturally form part of a constitutional code, are not the source but the consequence of the rights of individuals as defined and enforced by the Courts." About this rule this must be said. No doubt the Lord Chief Justice and his brethren are much concerned for the third meaning, for it would appear to make them the exclusive defenders of the Constitution, even its creators, and

their tone and even their arguments in the matter of the New Despotism in various cases<sup>1</sup> and in controversy are emphatic about this claim. But Dicey was too legalistic, and not quite as informed about foreign countries as his friends pretend. Is not the law of the British Constitution, not merely that defined and enforced by the Courts, but also that which is made by Parliament in the form of statutes, and further, the powers it delegates in the exercise of its sovereignty to its servants? So long as the power delegated to the Departments is (a) consciously delegated, (b) clearly delegated, (c) sincerely exercised within the limits of the delegation, and (d) adequately supervised by Parliament, why should the judicial gorge rise? We shall see later whether the conditions are fulfilled or fulfillable.

"6. A kind of fetish worship, prevalent among an ignorant public, prevents the destruction of these obstacles. The expert, therefore, must make use of the first in order to frustrate the second."

Gloss: The ignorant public is *ex hypothesi*, ignorant, and worships other things, not the Rule of Law. The public which knows a little, worships not a fetish, but has a respect for democratic government in the parliamentary form. It has inclined in the past to trust the Law Courts, because it thought them not only impartial, by reason of their legal training, their traditions, and the various devices like security of tenure and the procedure of the Court, but still persisted in this belief in an age when the kind of rights accorded to individuals by the State and obligations exacted from them, is very different from those in question when the power of the Courts was first asserted in the sixteenth century. Lord Hewart ignores this vital difference, and this goes to the root of his error. Lord Hewart and the public still think in terms of the arbitrary Executive—the

<sup>1</sup> See Willis, *Parliamentary Powers of Government Departments*, p. 33 ff. for a summary.

Crown, the State!—against the innocent individual. The real issue, in the kind of policy which Lord Hewart wishes to keep *under his review*, is the rendering of social services to some individuals and groups by the State, the necessary means to which are restraints and limitations on the person (e.g. on doctors who prescribe excessively in the Health Insurance scheme) and the uses of property (like slums) which must be borne by other individuals and groups. The purpose and magnitude of this code may not be pleasing to Lord Hewart, but that is a political not a judicial objection, and ought not to be entertained by the Bench; and more, the suspicion should never be publicly awakened that it is entertained. If, now, Lord Hewart says that he does not mind the purpose and magnitude of the new social policies, but perhaps, in the actual fulfilment of it, civil servants must necessarily be given a good deal of discretion which will require proper safeguards to avoid *abuse* of the power given by Parliament, that is a reasonable point. For Civil Servants are zealous about their work; they are as liable to error as we all are, doctors, judges, and carpenters; those who make the decisions are not always those who have investigated the facts and drawn up the report; fear of reprimand or hope of promotion may cause them to be over-zealous; they may not yet have in the Departments proper forms of procedure for investigations in order to secure a judicial impartiality;<sup>1</sup> their educational preparation may be wanting for the delicate task of judicial treatment of subtle, conflicting claims; they may not give a public statement of the grounds for a quasi-judicial decision. These are possible criticisms; but they may be met by fairly easy reforms. But it ought not to be thought that the Civil Service Departments are by some transcendent law inherently aliens to the Rule of Law, for they are part and parcel

<sup>1</sup> Cf. Hewart, *New Despotism*, Chap. IV; *Report on Ministers' Powers*, Sect. III.

of it ; nor that the Law Courts are inherently its natural and exclusive depositories, for their procedure, their brains, their training, may, by supporting "the individual" against "the Executive," be denying to thousands of individuals that relief, speedy as well as appropriate, from conditions of living which Parliament has thought fit to declare intolerable, ordering the Civil Service to elaborate and apply the specific remedies. There are some cases at least, for example, *Davies* and *Yaffé*,<sup>1</sup> in which the Courts earned this criticism.

" 7. *To this end let him, under parliamentary forms, clutter himself with despotic power, and then, because the forms are parliamentary, defy the Law Courts.*"

Glos: This statement is its own condemnation.

" 8. *This course will prove tolerably simple if he can: (a) get legislation passed on skeleton form; (b) fill up the gaps with his own rules, orders and regulations; (c) make it difficult or impossible for Parliament to check the said rules, orders, and regulations; (d) secure for them the force of statute; (e) make his own decision final; (f) arrange that the fact of his decision shall be conclusive proof of its legality; (g) take power to modify the provisions of statutes; and (h) prevent and avoid any sort of appeal to a Court of Law.*"

Gloss: We shall take this formula in its parts, and consider the significance in practice.

(a) The delegation to administrative Departments of legislative and judicial power is not new. It is old, going back to the Statute of Sewers in Henry VIII's reign, to the Mutiny Act of 1717, and the Customs and Excise Acts from 1672 onwards; there are plenty of instances in the eighteenth century and the early nineteenth. After the middle of the nineteenth century there is a steady increase in delegation, so that in 1913 whereas there were 38 Statutes, there were 1406

<sup>1</sup> Cf. Willis, op. cit.

Orders made by the Departments. After the spate of war and its aftermath had abated, the average of 1926 to 1929 was 50·6 Statutes per year, and 1,409 Rules and Orders, and many hundreds were not published since they were of local application. The reasons have been given and need not be repeated, but it ought to be remembered that some of these Orders are nothing but minute technical forms, in which the amount of discretion is extremely small, and the unburdening of Parliament is extremely great and entirely indispensable. Is Parliament to decide whether ecgonine or heroin should be added to the statutory schedule? Yet, if some of these orders are of small discretionary amplitude, others are of greater moment.

(b) For example, a trade may be withdrawn from the operation of the Trade Boards Act, or a Highway Code made by the Ministry of Transport by the Road Traffic Act of 1930, or a whole code for executing the powers of the Ministry of Health in the matter of poor relief (1930, but originally the product of the Act of 1834), or a tax may be imposed on goods imported into this country on a recommendation from the Import Duties Advisory Committee by the Act of 1932.

(c) The Orders, Rules or Regulations have a varied fate, according to the date and circumstances when their mother-statutes were passed. Some are to be published, some need not be. Some must be laid before Parliament; some on the Table of the House for as many days, within which they can be annulled or modified. But the Table meant the Library, and discussions, if any, would occur after 11 p.m. when the House was small, and there was no special House Committee with the positive responsibility of scrutinising them. Some were operative without appearance before Parliament. Some had to be positively affirmed by one or both Houses. In some cases, a mere Draft Order was in question; in others a conclusive order. This was clearly Parliament's own fault, and not that

of the civil servants. *Qui facit per alium facit per se*, is a maxim used with dire effect by lawyers.

(d) These Orders generally have the force of Statute, but to make assurance doubly sure, certain statutes have allowed the Departments, as in the Housing Act of 1930, to make an Order, which when made, "shall have effect as if enacted in the Act." This, in particular, aroused the anger of the judges.

(e) and (f) Some Statutes, e.g. the Housing Act of 1925, and the Small Holdings and Allotments Act, 1908, oust the jurisdiction of the Courts. For example, "an order when so confirmed (by the Board of Agriculture) shall become final and have effect as if enacted in this Act, and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act."

(g) There is a class of Statute in the Local Government Acts, the Rating and Valuation Act of 1925, in which power has been given the Minister to modify the provision of the Act so far as may appear necessary for the purpose of bringing the Act into operation. Between 1888 and 1929 there were eight such Statutes. The intention was to overcome any incidental obstacle which Parliament could not at once think of in the carrying out of the new intentions, and there was a time limit to the effectiveness of this Clause. It looks terrifying; and is called the "Henry VIII Clause." In fact, it was operative for the limited time and purpose of putting very complicated Acts into operation.

There are genuine reasons of public policy for all these developments. There is no intention and little possibility of usurpation. It is not possible for Parliament, constituted as it is, and perhaps whatever its constitution it is incompatible with its more important duties of general policy-making and supervision, to make the laws and the orders with all detail. It can be done only at the cost of holding up the evolution and

fulfilment of the social services. Is this what the Judges desire? Lord Justice Scrutton said in 1931, *R. v. Minister of Labour (ex parte National Trade Defence Association)*, "One might doubt whether it would really be any better when anything a British citizen wanted to do was regulated for him by orders of the Minister on the advice of the Civil Service, but that was a matter for Parliament, and not for the Courts." In fact, the judicial outcry at once began to have an effect. "To have effect as if enacted in the Act," does not appear in the Housing Act of 1930, or in the Land Drainage Act of 1931, or in the Agricultural Marketing Act, 1931: a specified time is given in which the Courts may be invoked. In the Land Drainage and Road Traffic Act, 1930, the "conclusive evidence" is excluded. For the Highway Code of 1930 positive parliamentary approval was required, and, so too, for the Local Government Act, 1929, the Mental Treatment Act, 1930, and the Road Traffic Act, 1930, in regard to the "power to modify."

The *Committee on Ministers' Powers* made recommendations with which we may agree. The various "rules," "order," "regulation," should be reduced to definite types. Parliament should clearly define the powers it delegates. The "Henry VIII Clause" should be made only on exceptional grounds to be stated in the Minister's Memorandum on the Bill; it should be limited to putting an Act into operation and subject to one year's time limit. Exclusion of the Courts should be exceptional, and only on special grounds; and when such exclusion occurs, Parliament should state its intention plainly, or permit a period of challenge up to six months. In default of such clear exception in the Courts, the right and duty to review his authority shall not be affected. Publication shall occur of all subordinate regulation needing to be laid before Parliament. The wide extension of formal advisory procedure in the Departments in



relation to the making of a law should be advisable. Either House should have the right to annul regulations within twenty-eight days, except where Parliament requires an affirmative resolution. Parliament ought to require an explanatory Memorandum with each Bill explaining why law-making power is to be conferred on a Minister and how it would be exercised. There should be a Sessional Standing Committee in each House to consider and report on Bills with law-making powers therein, and to consider and report on every rule and regulation then made and laid before the House. Then the House would be made aware of its purpose, and be given the opportunity to challenge either statutory delegation or the exercise thereof.

As to the Judicial and Quasi-Judicial<sup>1</sup> powers of the Departments the Committee made the following recommendations. *Judicial powers should only be assigned by Parliament to a Minister or a Ministerial Tribunal exceptionally, and should be justified in each case. If such an exception must be made, a Ministerial Tribunal was preferable to the Minister, especially in cases when the Department is likely to have an "interest."* What it meant by an "interest" the Committee aptly explained thus :

" We think that in any case in which the Minister's Department would naturally approach the issue to be determined with a desire that the decision should go one way rather than another, the Minister should be regarded as having an interest in the cause. . . . It is unfair to impose on a practical administration the duty of adjudicating in any matter in which it could fairly be argued that his impartiality would be in inverse ratio to his strength and ability as a Minister. An easy-going and cynical Minister, rather bored with his office and sceptical of the value of his Department, would find it far easier to apply a judicial mind to purely judicial problems

<sup>1</sup> For definitions and elucidation see *Report, Committee on Ministers' Powers*, p. 73ff.

connected with the Department's administration than a Minister whose head and heart were in his work."

The tribunal might be appointed by the Minister, but its functions should be independent of his influence. The Lord Chancellor *should be consulted on appointment to the more important tribunals.*

As to Quasi-Judicial powers, usually they are and should be in the absolute control of the Minister. But where possible, when the "interest" above described is conspicuous, the judicial part should be exercised by a tribunal, the administrative only by the Minister. In any case, parties to the dispute ought to be told clearly the case they have to meet and be given the opportunity of meeting it, though not necessarily in oral proceedings. The decision should be made known in a reasoned document, and epitomes of leading cases *should be published. Reports made by those holding statutory public enquiries should be published, except in most exceptional circumstances and for strong reasons of public policy, the jurisdiction of the High Court of Justice to compel Departments and Ministerial Tribunals to exercise their powers, judicial and quasi-judicial in "good faith and uninfluenced by extraneous and irrelevant considerations and fairly and not arbitrarily, should be rigidly maintained,"* and this by a more modern, more simple, less expensive procedure. There would be an absolute right to appeal on questions of law from a judicial decision of Minister or Tribunal. The time allowed would be limited. There would be no appeal to the Law Courts on issues of fact.

Finally, a system of Administrative Law and Law Courts *should not be established.* On this we may hang our final remarks on the lawyers' outlook on the Civil Service. The lawyers do not wish for a special body of law to be distinguished as Administrative Law, and Special Courts, distinct from the ordinary Law Courts, to try the issues arising out of that special body of law. They have an instinct that the distinction will

favour the "State" against the "citizen." My own view is that if with the changes in procedure proposed by the Committee, there were an appropriate change in the education of English lawyers, there is social value in retaining the present arrangements for judicial review. The Law Courts have had and have a bias against the Executive. That bias is rendered nugatory when Parliament speaks firmly and plainly. It is to be prepared, then, for the occasions when the intention of Parliament may be ambiguously worded. This can be achieved by highly necessary reforms in legal education. What is required is a full legal degree, which will include administrative and constitutional law and jurisprudence as a liberal education, and, as on the Continent, Economics and Political Science. For judges really ought to be instructed about the social body on which they are operating. Moreover, our general scholarship system should be so widened that the accession to the Bench ceases to be limited to the sons of very wealthy parents who can also bring influence to bear for themselves and their relatives. If these reforms are accomplished, it would be of value to have a power with the function of checking and balancing the Civil Service. There is no reason why, because we are moving towards the Socialist State, and want to move more rapidly toward it, we should submit our lives to anybody, unconditionally. The more the challenges, within reason, the greater the care and caution with which our individual contributions to the commonwealth, as specified by Parliament, will be measured, and our share of benefits conceded.

## CHAPTER VIII

### POLITICO-ECONOMIC CRITICISM AND THE FUTURE

All signs point to the steady expansion of the Civil Service in numbers and activity. Whether the governmental system is to be democratic, or dictatorial, the common spirit of our time favours the planning and co-ordination of individual, group, and local activities. The political parties approach the problem of State activity in different ways. The Conservatives are interested in the increase of production; Socialists and many Liberals place the chief emphasis on more equitable distribution, and are then drawn along the path of planning production because that is a necessary condition of any successful interference with the free distribution of income. Others, of a conservative tendency, press towards greater social control because they wish to see certain industries "rationalised," that is to say, they want State authority to fix production, prices, and (exactly like the Luddites) exclude any free-lance newcomers; and they are equally anxious to have State restriction of imports. The world seems in recent years to have developed a sensitive conscience about the inept exploitation of its resources, and is uneasy because it rightly feels that enormous additional wealth could be obtained for the use of everybody if only the technique, the organisation, and the administrative capacities of mankind were more carefully surveyed and co-ordinated by authority, rather than by the chance process depending on the individual's search for the highest price for his goods and services and the lowest price for his purchases.

More people than ever before are rightly convinced that contemporary artificial social privileges are the heritage of feudal and post-feudal military domination, the spoliation by violence and rapacity permitted by law in the past, or the fruits of a favourable set of circumstances fifty or a hundred years ago. And they are resolved that these privileges ought not to be allowed to continue, but that as large a measure of equality of opportunity and reasonable minima of welfare and security should be made the fortune of every citizen.

The State is already involved far more deeply than the numbers of the Civil Service indicate, for the State operates, as we have said, in controlling situations, and the influence of a half-dozen officials can be extremely pervasive. In recent years, perception of the inevitability of the expansion of communal control has led to the attempt to find forms of organisation which will not suffer from the "bureaucratic" features of enterprises entirely under the control of Parliament. In my opinion, supported by the example of the B.B.C.,<sup>1</sup> "semi-public" utilities tend to forget their "public" aspect, and, therefore, the ultimate control, even if it is only audit control, must be lodged in the hands of a Government Department with the characteristics we have already described. Even if full administration by the normal public Department is escaped, Parliament will eventually demand, as it has demanded in the case of the B.B.C., that standards of recruitment, tenure, and policy be established to its satisfaction, on the lines of those which are operative in the Civil Service. Hence, the future holds a large extension of the Civil Service in the ordinary sense, or at least in what may be called para-Civil Service Departments.

Now, it is not difficult to find an organisation which shall be appropriate to the particular kind of service which the State is to manage or control. Wireless

<sup>1</sup> Cf. my article "The Semi-public Corporations," in Robson (ed.) *The British Civil Servant*, 1937.

entertainment, and the production and distribution of coal, have their own special economy, and it requires no tremendous ingenuity to discover which will suit each of them, to give the greatest return for the least cost. The chief fears about Socialism and the Civil Service do not come, or at least ought not, from the angle of organisational technique. The chief fears rather arise out of certain inherent qualities of any organisation in which the principle of private property has been abolished, and in which free demand, acting through price, has ceased to be the stimulus to, and the director and controller of, production. It is well to state and attempt to meet the objections to public administration; they form a well-known orthodox catechism, whether loosely formulated by the politicians and the public who interestedly or disinterestedly challenge the expansion of State activity, or more sedately and systematically by economic and political scientists.

The first criticism is that Civil Service activity is not subject to exact economic calculation. That is to say, since whole departments of activity have been put under the control of a political authority, whose transcendent ends are not the strict calculable ends of making a profit expressible in figures, no one can know *exactly how much* the product is pleasing or displeasing the consumer, nor can it be known exactly how much more or less means in capital, labour, and land, should or should not be directed along particular lines of production. For, in the first place, the satisfaction is no longer measured in money, and, in the second place, there is lost the possibility of comparing the price-cum-service relationship as between two or more independent producers, and, in the third place, the latent threat of leaving the unsatisfactory producer in order to purchase from another, has gone. There is much truth in this argument, and we have dilated upon the difficulties which arise already in Civil Services

containing only one in seventeen of the entire gainfully occupied population—difficulties in assessing rates of pay, difficulties of classification, difficulties of rating efficiency for promotion, and the rest. Yet, because there are difficulties, we cannot regard them as complete obstacles to socialist development. For it may be possible to mitigate them ; and, whether this is done or not, we are entitled to say that imperfect as will be the economic agencies of a society based on the system so criticised, there are values in it well worth possessing even at the incidental costs. In fact, devices like efficiency ratings, carefully established analyses of cost, standards of performance like those already applied to the output of postmen, sorters, and filing clerks, comparisons of productivity and cost like those made by the Ministry of Health for street cleansing, by the Board of Education for the unit cost of elementary education, and the Home Office for the unit costs of police, can do much to provide that control over costs which is the basis of a right determination of the direction of future effort and investment. Because of the strength of this argument I am a supporter of strong Treasury control: in the tension and mental and moral conflict between spenders and economisers I see a necessary agency of care and measurement in assessing the comparative utility of alternative expenditures.

Against the disadvantage which may well come, in spite of all efforts to the contrary, from the loss of economic calculability, there would be the dismantling of a system of production which proceeds on the principle of Profitability rather than Productivity. The present system has as its animating factor the attempt of the producer to make a profit and avoid bankruptcy. He is not, therefore, concerned with needs, or even wants ; he is concerned with demand, and only that demand which is *effective*, that is, supported by the possession of wealth, is, in fact, satisfied. All other

demand, however urgent, however made by people of humane and virtuous character, is passed by, if those who demand have not the means to pay. The most striking illustration of its crass cruelty and stupidity is the purchase and sale of education prior to the establishment of public provision. As there is a hideous inequality of wealth in this country, the productive system works badly from an economic standpoint, for it does not secure the best utilisation of available means, all ends being taken into consideration. The only way in which the critic can turn this position is to argue that the wealthy are wealthy because they are productive, and that their productivity would cease if they did not receive a reward adequate to their efforts. But this is to ignore the enormous extent to which inheritance makes wealth, without any effort at all on the part of the owner, and the extent to which there is an artificial restriction of the numbers in some industries, and an artificial abundance in the most disagreeable, because those which require a long training are reserved to people whose parents could afford to keep them for the necessary time. Hence, the wealth of the country is not what it could be, in spite of the fact that there is a truly formidable amount of precise accountancy. The economist is correct in arguing that private enterprise measures precisely, but the question still remains open, precisely what does it measure? Alternative uses *only* for those who have the money to buy.

Further, the principle of Profitability causes producers to give up being inventive, and using their capital in productive ways, and for the full possible length of time, as soon as the producer's idea of a satisfactory income is realised. But his idea of a satisfactory income may be very big, yet may be inadequate as a stimulus to the full use of his brain, the technique which could be utilised if he wanted it, and the organisation of his property, by amalgamations



with others, which would yield the maximum total to the total national product. Society puts an enormous amount of trust in him, when it allows him to do what he likes, not merely with his own, but with what is a possession of society. As an organised entity, society may have purposes and methods and men at its disposal, which can, in fact, give a higher yield to it than the untrammelled action of an individual or company. Moreover, in this context, the government of a State has at its command a territorial range of information which forms a far better basis of calculation for present and future production than even very large-scale enterprises. Finally, that organisation of human beings which is called "the State," is by its own character and purpose and machinery more anxious and better able to take a long view, one of decades and generations; it is not limited by the blinkers of an egoism which made private profits and public liabilities like the slums and exhaustion of the race and mineral and soil resources. The economist-critic often makes the mistake of assuming that the private business man is identical with the "economic man."

The next criticism is that there must be a fall in the productivity of society run on Civil Service principles, because rivalry will have ceased, and the economic spur to invention, zeal, new practices, fresh fashions, will have been lost. We have seen this anxiety expressed in the Civil Service itself at least since the reforms of 1853. It was thought that those who entered the Service would be entering a career without hope, ambition, fear, or any dynamic element; that they would be lulled and dulled. The answer is that so far, at any rate, the Civil Service has rendered enormous services to society. People are constantly being struck with surprise that forty men of such talent as those at the head of the principal Departments are content to work so effectively for a mere £3,000 a year each, not to mention those immediately below them in rank who

get considerably less! But they do. There is no reason why the same means that kept alive the energies of the Service should cease to be of effect. Those means were and are all the political institutions, the electorate as a body, Parliament, the political parties as separate and local organisations, independent and academic experts, associations established to advocate some special policy, official and unofficial scientific enquiries—all these are the agencies of social invention, pressure, and administrative propulsion and invigoration. We have suggested that, in view of major developments in State activity, a more rational organisation of these bodies to make them more specifically appropriate to new tasks is required. It can be done ; the world is full of models. Nor is that all. It ought to be remembered that contemporary civilisation which presupposes in the main the force of competition to supply a progressive tendency, is itself hardly more than the worship of acquisitiveness, and places the emphasis on wealth as the index to deserved prestige. Even the Association of First Division Civil Servants lamented its relative poverty before the Tomlin Commission, and said, " It is probable that there will always be a few men of first-class ability for whom the interest of the public service will outweigh considerations of pecuniary gain, but it would be very hazardous for the State to rely on finding a sufficient number of such men to fill the Administrative Class of the Civil Service." In an acquisitive and unequal society they are right. The greater proportion of mankind are cajoled and driven by an omnipresent, pervasive propaganda urging that this and no other is the highest good. It is some good, and even much good, we may concede ; but it is not the highest good. What a change could be legitimately expected in our motives and therefore our industry, if as widespread and unflagging a propaganda were conducted in the interests of incentives other than those now dominant! If it is now possible to attract and

retain about forty Heads of Departments at £3,000 a year, when the City could offer them about £10,000, we have good grounds for looking to incentives not exclusively mercenary.

A third line of criticism is, that when all things are done by the Civil Service, corrupt motives may enter the political stream, and technical considerations be ignored. This clearly depends on the nature of the political agencies. Of course, there is the possibility of corruption of the science and advice of the experts. But in this background two things are material. In the Enquiry into the Budget disclosures of April 1936, the civil servants in charge of Budget information were, in contrast to the business men and the politician, highly praised for their flawless honesty, while hardly a day goes by but what in industry and commerce there is not some horrible corruption of true service—by adulterated goods, by false weight, by broken contracts, by false underestimates of tenders for contracts, by restraint of trade for the benefit of a few conspirators. Indeed, branches of the Civil Service have had to be established to combat them! For the Hatrys, the Kysants, and the Pepper Pool manipulators who are brought to book, how many go undetected, and how many smaller but still considerable corruptions of the technical principles of right productivity occur? The business world itself has to protect itself against secret commissions taken by its own agents! The Civil Service has established a morality which gives genuine promise of precisely the opposite of the corruption which the critics assert as unavoidable. It is this superior morality, in fact, which makes the Civil Service more inflexible in its behaviour and routine than private enterprise. It has to live up to very high standards; and therefore look to precedents and forms embodying them, while business which merely has to make a profit may subordinate standards to that end. In the Bullock case, the official concerned was censured and

dismissed ; in the world of business, his behaviour would have been applauded as the distinguishing mark of a deservedly successful business man, a brilliant model for all young men who want to get on.

Another criticism is that the official tends, by the nature of his education, and his position as a representative of authority, to become despotic. This is certainly a serious danger, and it must be guarded against. It must be the permanent concern of the political agencies, and it implies as much local, decentralised government as possible, in order that officials may be easily approachable and amenable to the guidance and admonition of the councils which represent the public. There is at present a considerable amount of petty tyranny, most of it entirely unintentional and unconscious, which results from the marked differences of culture and social position, the direct consequence of the unequal distribution of wealth and education, and of that special British product, snobbery. The tendency is, that instead of trying to understand a queer customer from "the lower orders," the civil servant, or the social worker under local government, will dragoon the person, because he or she is held to be incapable of understanding reason and instruction, or entertains unreasonable prejudices, which are taken to be not convictions, but sheer obstinacy. The means of redressing such a situation are too obvious for discussion. I do not view with entire freedom from anxiety the problem of keeping civil servants responsive and sensitive to the consumer when the Civil Service comes to be far bigger than it is. Russia, with all allowances made, has shown how the producer is likely to draw away from the consumer, and Russia has also shown how essential it is to have political local vigilance to check the insolence of office.

Finally, the critics urge, the Civil Service is by its nature, and must ever be, a secure and sheltered profession. As such it puts a premium on laziness, and

must be a constant and unrelievable drag on the dynamic elements in humanity. What is meant by the terms "secure" and "sheltered"? The Civil Service certainly sets out to provide a life career for all except the very unintelligent, lazy and disobedient. Yet its entrance tests are strict, and in its disciplinary and promotion arrangements it has the means to exclude those who are not up to average quality. Nor does private business get more than average quality. It is argued, however, that the Civil Service never uses these instruments properly, and by its nature cannot do so. For in its organisation there is no automatic test of individual productivity such as that in private business, making it possible to track down the individuals who are responsible for less output than their salary; the large-scale character of the Service, and the fact of political control, make an "establishment" necessary, in which people are paid by the grade and not by their product, and the superiors have no financial incentive to be ruthless to the inefficient. These things are true. But there are disciplinary arrangements which can render stricter present-day controls, without falling into the arbitrary and often brutal ways of private business. When the Heads of Departments and the Supervising Officers are alert and public-spirited, as well as intellectually able, they can quite remarkably set a note of inspiration to which the young entrants are glad to attune their ambitions and zeal. We can expect, and select for, noble examples at the top. As to the comparison of sheltered and unsheltered industry, *an important thing must be remembered, that quite rapidly, and over a very large field of modern industry and commerce, the unsheltered nature of enterprise is fast being abolished. This is accomplished by the exclusion of competition by marketing schemes, by State subsidies, by import quotas, and by the statistical predictability of supply and demand. The days of unsheltered industry were the days of the business man's*

ignorance, and therefore of his subjection to the hazard of many factors. Hence, shrewdness and luck, ability and the determined elbow, brought profit. And as soon as the free *entrepreneur* can manage it, he converts competition into monopoly and restraint of trade. But if the State's shelter takes away the stimulus of fear and removes hopes of wonderful fortunes, the former effect is a psychological gain, and the latter may be still consistent with hard and inventive work for reasons to be discussed in a moment.

It is only fair to state the gains which we may expect to come with a socialised state, and through the Civil Service arrangements in which it will be incarnate. As we have just affirmed, security is by itself a gain. Something of great intrinsic worth has been given to mankind if it is relieved of the haunting fear that tomorrow may be breadless. Only a barbaric society will consciously seek to maintain a system in which misery and fear are the spring of economic progress. And those who are not in the Civil Service have their security, in the numerous ways we have already indicated, administered by those who are.

It may be that such a system finds it difficult to keep up as high an output of goods and services as the capitalist system. That has not yet been proved; the test is yet to come. But supposing we conceded to the *laissez faire* theorist his economic argument, there is still the enormous gain in a socialised state of all those elements of inter-personal behaviour which may be summed up in the word Justice. The nature of disciplinary action in private enterprise is not marked by excessive concern for the feelings of the culprit and the justice of the case, though the trade unions have curbed the more arbitrary practices. It is usually very brusque. That is impossible in the Civil Service. Hours may be spent—the business man would say wasted—on arguing a case of inefficiency, and those hours bring in no economic return. But they bring in

a return of that for which the whole of economic activity is a material means : a decorous and humane way of living.

Nor are we at all certain that the economic product would fall, though there would be the drags of security, shelter, and justice upon it. For in the name of these things themselves there could be a moving appeal to the energies of the staff, the appeal that these things which they enjoy depends on their own efforts for continuance and extension. But that is only by the way. I have seen, in my own experience, the zest with which officials give themselves to their work, realising that any additional product is not for the benefit of a master or shareholders, but of the public, of which they themselves are members. They cannot identify their interests with the interests of their master ; but as members of the public serving it, and being paid by it, the identification of interests is more feasible. The sense of exploitation is at least as much a cause of a lesser economic rendition in the present state of society as security might be in a socialised system. Men, employers included, do as little as possible compatible with keeping their job. The sense that the product of *industry is shared without exploitation, not garnished* for those who have a claim simply as a result of a position of artificial advantage, is one that surely can only stimulate zeal and industry. And, finally, with the breakdown of educational barriers, and the abolition of the favouritism, nepotism, and undue influence which still afflict the recruitment of the commercial and industrial administrative and executive class, we may expect a freedom of vocational choice which is the essential condition of people liking their work so that they do it, not mainly with an eye to monetary compensation. I am making no Utopian or sentimental assumptions when I say this, for observation shows that where people can choose their work, that is, do what they like to do, simply because they like it, they are

much less acquisitive, much less grasping of every cent of reward for their effort, much less jealous in recording the minutes of overtime, than where society is so constituted that they are shovelled into the first available job willy-nilly, without consultation of their tasks, under the threat of destitution.

*The critics have often sneered at the socialist appeal to the "joy in work," but they cannot deny that this would be increased where there was vocational choice. The chief impulse to dedication and unslackening craftsmanship must come from a sense of vocation, and that is in its nature a product of freedom of choice. Ideas will not cease to dawn on men, or energies flourish because fear and insecurity are limited.*

If these things are adequately realised, and the balance of advantage and disadvantage struck, the development of the socialist society can be efficiently fulfilled. The obstacles have hitherto been hedonism, belligerency, and the lust for power. There are signs that the world is heartily sick of them, and the Fascist dictators and would-be dictators seem to me to be the final convulsions in the decline of these barbarities. The world looks ardently and anxiously for their opposites, and they need to be formulated into an ethical code, and taught all the way through society, in the schools, in adult societies, and by deeds actually done by the State.

### **The Training of Civil Servants**

In the Civil Service itself, now, since it is the example in which the future is actually being modelled and prepared, and which offers that instruction and encouragement which lie in concrete things accomplished, there is required a system of training which has hitherto been the most neglected part of our Civil Service system. It would assume this shape. The youngsters who enter the Service are raw material. They are ignorant of the place of the Service in the



State, of their own particular job, and of the relationship of their own work to that of their division of the Department, and of their Department to the other Departments. They have not chosen a profession, but it has been chosen by their parents who, knowing how bitterly insecure and harsh life is in a state of economic *laissez faire*, have gone out for security. Therefore, within the Departments, arrangements must be made as early as possible for instruction in the actual work of the Department and the organisation of its several divisions. This can be done by lectures given by senior officials and by the aid of charts and handbooks. There is good reason for employing the middle ranks of the Administrative Grade in some of the lecture courses. To come into contact with the young people is refreshing for them, and they will learn a good deal by having to explain themselves. They may also spot bright youngsters who can be started for promotion, or encouraged to take evening courses at the local university. But what the young man or woman in the Civil Service needs is not only to learn a set of office instructions, but at a slightly later stage, from 18 to 22, something of the political and economic background of the society they are serving. The only fruitful safeguard against the failure of instructions in the small emergencies which arise is an insight into their purpose. A liberal sense of the intention and significance of the regulations is essential to a devolution of responsibility, which is a pressing need in the State service. Nothing less than a philosophy of State administration and the social services is required. I do not mean an abstruse metaphysics, or a remote sociology, but an account of the social sciences, closely enough related to the work of the administration to offer practical instances to serve for young people in lieu of the experience which they could not yet possibly have had. I hold that if the older men in the Department were required to share such lecture courses with outside experts from

the university, a tendency to be cynical might wither and disappear. They would very emphatically be taught that the Department is not their own property, but is an agency of the public good, and that, therefore, though they are the official superiors, they must not pooh-pooh, or reject unexamined, or regard as a reflection on themselves, any proposals for administrative improvement proposed by subordinates.

A sanction should be attached to the attendance at the lecture courses; it should be a condition of the regular receipt of the grade's increments, and where a diploma for a one-year or two-year course is attached to the successful conclusion of the course, that diploma should be conspicuously a qualification for promotion. Not that the book-learned should be *ipso facto* entitled to promotion, for the life of administration is action, but sound studies must be considered. This is an important way of keeping officials alert and on their toes, as the years pass by, and the competitive element in their lives recedes and means less and less. Most important are discussion classes after the lectures, in which the official's mind can be stimulated by argument with the teacher or his fellow students. Pressure ought to be exerted, and arrangements made, for advanced university studies, in the higher ranks of the Service, and the Departments should proliferate with discussion clubs and members of such eminent scientific bodies as the Institute of Public Administration. The Treasury ought to offer a few substantial prizes, year by year, for essays on administrative themes, some open to distinct grades in the Service, some to Departments, and some open to the whole of the Service. In the courses of lectures two things need emphatic stressing: first, the causes of success or failure in administration, as shown in the lives of great administrators in the long millennial sweep of history, and secondly, a rigorous analysis of the weakest points of the Civil Service with the reasons

of their existence and the code of behaviour necessary to overcome them. For the young people perhaps nothing is more important than to be put, as early as possible, in actual contact with that part of the public which their Department serves. Let them learn that they are working for the public ; let them learn what the public can look and behave like ; and let them learn, what is so difficult, that the public is actually a number of human beings, alive and suffering. The rotation of office work and contact with the public should be made as frequently as possible. For the highest grade we have recommended Sabbatical leave.

If all these things are done we have the right to expect that in the course of time the expanding Civil Service will make and hold fast to an ethic of service, which is the ultimate factor capable of keeping it fresh, honest, inventive, and industrious. If nationalised services are to operate with the maximum of beneficial effect and the least waste of energy, a faith must animate and sustain the servants of the State in the use of the knowledge which is not too difficult to discover or impart. The inner bidding, which is of more avail than external controls, and which is the ultimate reservoir of all created rights in society, would need to take this form.

### **The Ethics of Public Service**

The civil servant must fully accept the principle that his Department, its staff, its apparatus, and its very purpose, are a trust devolved to him by the public for the public. His official relations with his superiors, colleagues, subordinates and the public are a direct derivation of this trust, and all action under its authority are conditioned and justifiable by the nature of this trust alone. The civil servant must believe that the public welfare is his sole end, and that he is not entitled to spiritual and material adventures which conflict with this end. He must subdue his desires for

alternative satisfactions which are incompatible with the public welfare, though that view of the public welfare must be purged of the oppressive and humiliating. When all constitutional channels, in the creation of which he will naturally have had a fair say, have been used to weigh his claims for pay, conditions of work, leisure, civic rights and social status, he must accept the result without that malice, sense of injustice and revolt which would ruin his most effective work. Since only what serves the State is best, it is a breach of official faith to show favouritism or jealousy in the course of official duties on grounds of race, creed, class, sex, or family ties. If he receives orders which are unsound, or is reprimanded, as he thinks unjustly, his sense of obedience must not be weakened, and (without animus) he must honestly state what seems to him to be unfair or inefficient. The use of his leisure would need to be such as not to unfit him for the best performance of his duties. He must not escape into the lazy recesses of a sheltered occupation, serving at the minimum level rather than striving to exceed the maximum yet recorded. His inventive faculties must be kept continually stretched at their fullest natural span. Superiors must make special efforts to encourage younger men to question the ancient ways, the "practice of the Department," and propose administrative improvements, and they must certainly dispel the fear that such suggestions will be regarded by them as punishable reflections on their own lethargy or inefficiency. The civil servant's imagination must, as far as it can, be deliberately stimulated to penetrate through the forms and the oral and written reports, to the human realities they represent, to "the man at the other end of the letter." The representative assembly and its organs will lay down the limits within which he may act officially, and he owes obedience. Tolerant and kindly to those below him in rank and to the public he serves, he must use his official authority no more

than the interests of the Service require, and suppress the impulse of personal dominion, since his command is only held as a trust for society.

These are austere conditions, and the task of cultivating them in one or two million of the higher administrators drawn from the average men and women we meet in the streets is fraught with immense difficulty. Yet, precisely because the task is difficult, and because the end is of superlative worth, it is the task for our generation, searching so desperately for faith and for work. And suppose that when the structure has been built our cautious predictions should prove wrong, or that owing to unforeseen or newly emergent forces, it breaks down or fails to satisfy—what then? Let the structure break down, and let the world renew its science and its ideals! It will find happiness in the new tasks. We cannot, surely, be presumptuous enough to believe that we are able to legislate for ten times a hundred years!

## APPENDIX

### Salaries and Leave of Treasury Classes.

*(These scales apply only to the London Postal area. Outside  
the rates are a little lower.)*

#### *Copying Typists.*

Under 17	...	...	...	...	30s. a week.
17 and under 17½	...	...	...	...	32s. „
17½ and under 18	...	...	...	...	34s. „
At age 18	...	...	...	...	36s. „
Thence by 3s. a week to	...	...	...	...	57s. „

*Annual Leave.*—18 days for the first 5 years and 21 days thereafter.

#### *Shorthand-Typists.*

Under 18	...	...	...	...	40s. a week.
At 18	...	...	...	...	45s. „
Thence as follows	...	...	...	...	50s. „
					54s. „
					57s. „
					60s. „
					63s. „
					66s. „
					69s. „
					72s. „

*Annual Leave.*—21 days for first 5 years, and 24 days thereafter.

#### *Clerk-Typists and Clerk-Shorthand-Typists.*

The scales, annual leave, and hours of Clerk-Typists and Clerk-Shorthand-Typists are the same as those of Copying Typists and Shorthand-Typists respectively.

#### *Superintendents of Typists.*

£196 5s. 9d. by £7 10s. to £215 2s. 0d.

*Annual Leave.*—24 days.

*Chief Superintendents of Typists.*

The normal scale is £277 16s., rising by £12 to £313 11s.

In certain cases, however, the maximum is £337 6s.

*Annual Leave.*—30 days.

*Clerical Assistants, I.*

28s. at 16; 31s. 6d. at 17; 35s. at 18; 38s. 6d. at 19;

42s. at 20; thence by 3s. to 57s; thence by 2s. 6d. to

72s.—efficiency barrier at 57s.

*Annual Leave.*—18 days for the first 5 years and 21 days thereafter.

(NOTE.—In the Customs a lower grade of Clerical Assistant (called Clerical Assistant II) is employed on the scale 22s. by 3s. to 57s. Annual leave 18 days.)

*Clerical Officers.**London.*

*Men.*—£85 (at entry); £95 (at age 18)—£20—£115—£15—£160—£12—£196—£18—£214—£12—£350, with an efficiency barrier at £250.

*Women.*—£85 (at entry); £95 (at age 18)—£20—£115—£15—£160—£5—£170—£7 10s.—£185—£10—£262 10s., with an efficiency barrier at £195.

*Annual Leave.*—24 days.

*Higher Clerical Officers.*

*Men.*—£396 16s. 7d. by £18 to £515 17s. 6d.

*Women.*—£313 10s. 1d. by £12 to £396 16s. 7d.

*Annual Leave.*—36 days.

*Executive Officers.*

*Men.*—£155—£12—£190 5s.—£18—£515 17s. 6d.

*Women.*—£155—£12—£396 16s. 7d.

*Annual Leave.*—36 days.

*Higher Executive Officers and Staff Officers.*

*Men.*—£515 17s. 5d.—£18—£635 18s. 2d.

*Women.*—£396 16s. 7d.—£18—£515 17s. 5d.

*Annual Leave.*—36 days, rising to 48 days after 15 years in a grade carrying 36 days.

*Administrative Class.**Assistant Principals.*

*Men.*—£275—£25—£325—£30—£625.

*Women.*—£275—£25—£510.

*Principals.**Men.*<sup>1</sup>—£800-£30-£1,100.*Women.*<sup>1</sup>—£700-£30-£940.*Assistant Secretaries.**Men.*—£1,150-£50-£1,450.*Women.*—£1,000-£50-£1,235.*Principal Assistant Secretaries.**Men.*—£1,450-£100-£1,650.*Women.*—(Scale not yet fixed.)*Annual Leave.*—(For the Class as a whole.) 36 working days for first 10 years of service, and thereafter 48 days.

## PROVINCIAL SCALES.

All the foregoing rates of pay apply to the London Postal area. In the case of Staff employed outside the London Postal area, lower rates are paid according to the locality of employment.

<sup>1</sup> Men £830, Women £730, for promotees already in the Service on October 1st, 1935.



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